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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A.No.2745 of 1992 Date of Decision:27.9.1993.

Kashi Ram and others.....Petitioners.

Versus

Union of India & others.....Respondents.

Coram:

The Hon'ble Mr Justice S.K.Dhaon,  
Vice Chairman.

The Hon'ble Mr B.N.Dhondiyal,  
Member(A).

For the petitioners: Mr B.S.Mainee, Counsel.

For the respondents: None.

JUDGMENT (ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, VC(J))  
The eight petitioners, before us, have

come out with a specific case that in the past they had been employed as casual workers by the respondents and each one of them had completed 120 days of service in a particular year. Thereafter, there was a break in service and they were again employed as casual workers. Their services were terminated even though juniors to them were retained in service.

2. The reliefs claimed, in substance, are that the respondents may be directed to re-engage the petitioners and also regularise their services.

3. A counter-affidavit has been filed on behalf of the respondents. In the same, a chart depicting the period, during which the petitioners rendered service have been attached as Annexure R-1. It indicates that Shri Kashi Ram

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worked with the respondents as a casual worker between 15.1.1983 and 26.10.1983, thereby completing 280 days, from 30.10.1983 to 14.4.1984 total being 164 days and between 15.5.1984 and 14.11.1985 total number being 531 days. Shri Joginder Singh is shown to have worked from 15.3.1982 to 14.7.1985, the total number of days being 538. Rajinder is shown to have worked from 20.6.1983 to 14.11.1985, total number of days being 808 days. Ashrafi Lal is shown to have worked from 1.1.83 to 22.8.83, total being 232 days. Ram Bilas is shown to have worked from 20.6.1983 to 14.10.1985, total being 885 days. Satledin is shown to have worked from 9.3.1977 to 14.1.1979, total being 421 days. Rameshwar is shown to have rendered services from 20.1.1983 to 14.11.1985 total being 791 days and Chhote Lal is shown to have worked for 651 days, though the period is not mentioned.

4. The chart also indicates a break of the services of each of the petitioners. It further indicates that between the years 1988 and 1991 they were employed as Hot Weather Watermen.

5. The stand taken by the respondents in the counter affidavit is that the practice of employing Hot Weather Waterman has been stopped since the year 1982 and, therefore, the question of employing the petitioners, as such, in future will not arise.

6. We have already indicated that barring

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Satisfied in all other petitioners according to the respondents themselves, acquired temporary status for having worked for 120 days in a year subsequent to the year 1981. The fact that there was a break in service and the further fact that the practice of employing hot weather waterman has been stopped, will not destroy the rights acquired by them for having rendered service for 120 days in one particular year after the year 1981. They attained temporary status. In the counter-affidavit filed, it is stated that a large number of employees, who had attained temporary status and who are on Live Casual Register, are awaiting employment for the last several years.

7. On 26.8.1993, the learned counsel for the petitioners made a statement that the petitioners would be satisfied if the respondents produce the Live Casual Register which is maintained in the D.R.M. office. The learned counsel for the respondents prayed for and was allowed two week's time for the production of the same and the case was directed to be listed on 13.9.1993. On 13.9.1993 the learned counsel for the respondents did not appear and even the Register was also not produced. We directed the matter to be listed on 23.9.1993. On 23.9.1993, the case could not be taken up.

8. The case has been taken up today. The learned counsel for the respondents is absent. Even the Live Casual Register is not before us. We presume, in the absence of the register, that the names of the petitioners are included in the Live Casual Register maintained by the respondents. The respondents shall consider the cases of the petitioners for regularisation of their services as

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and when their chances come.

9. The Railway Board's Circular No.R.B.E(NG)/II/83/CL/117 of 25-1-1985 states that Casual Watermen employed in the summer season should be eligible for temporary status on completion of 120 days of continuous employment. For the purpose of counting the total number of days of continuous employment, various spells of engagement as casual watermen may be aggregated provided the gap between any two spells of employment has been caused due to the season being over and/or there being no work for them in such establishment. The direction of the Railway Board fully covers the case of Satledin. The chart produced by the respondents, as already indicated, shows that from 26.5.1986 to 14.7.1986, 5.5.1986 to 14.7.1986, 5.5.1986 to 14.7.1987, 20.4.1988 to 14.7.1988, 15.4.1989 to 14.7.1989 and 5.5.1990 to 14.7.1990 and 13.4.1991 to 14.7.1991, he rendered 456 days service as Hot Weather Waterman. Thus, he also acquired a temporary status.

10. Since the petitioners acquired a temporary status, their services could not be done away with without following necessary procedure. This, in our opinion, it is not a fit case where we should direct reinstatement of the petitioners with back-wages. The interest of justice will be met if we direct the respondents to give fresh employment to the petitioners as casual labourers. We direct accordingly. The respondents shall offer fresh employment to the petitioners as casual labourers within the Division in which they were working as Casual labourers. They shall do so

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as expeditiously as possible but not beyond a period of three weeks from the date of presentation of a certified copy of this order by any of the petitioners.

11. This application succeeds and is allowed. The respondents shall comply with the directions given above.

12. There shall be no order as to costs.

*B.N. Dhondiyal*  
(B.N. Dhondiyal)  
Member (A)

*S.K. Dhaon*  
(S.K. Dhaon)  
Vice Chairman

/sds/