

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2902/92

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New Delhi this the 18th day of February, 1998.

Hon'ble Shri S.P. Biswas, Member(A)

Shri Rabindra Narain Roy,
S/o Shri Kalyug Roy,
Ex. Casual Labour
under Divl. Railway Manager,
North Eastern Railway,
Samastipur and
67 others as per Memo of parties.. Applicants
(through Sh. B.S. Mainee, advocate)

versus

1. Union of India through
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
North Eastern Railway,
Gorakhpur.
3. The Divl. Railway Manager,
North Eastern Railway,
Samastipur. Respondents

(through Sh. D.S. Mahendru for Sh. P.S. Mahendru)

ORDER

What is under adjudication herein is the claims of the applicants for regularisation in Group-D post under the respondents-Railways. Materials placed before us indicate that most of the pleas taken by the applicants in support of their claims aforesaid, particularly details as regards their working experience, are in dispute.

2. What is admitted is that almost all the applicants have worked as seasonal watermen and as substitutes against regular/leave vacancies in Class-IV

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categories of traffic department. The Railways had issued the Master Circular No. 20 with clear directions as to how the substitutes will be screened for their absorption in regular service. The specific directions applicable to the facts and circumstances of the case are at para 5.5. and 8.2 of the circular herein. It is also admitted that verification of the claims of the applicants is under progress and that acquiring of temporary status by the applicants, as alleged, is of no consequence.

2. The respondents also appear to have framed a Scheme of priority for utilising the services of casual labourers as submitted in para 4.6. of the counter dated 4.7.91 filed by the respondents-Railways.

3. The applicants would now draw support in favour of their claims from Board's recent circular dated 3.4.96. Extract of the relevant portion of the said circular necessary for the purpose of disposal of this O.A., is important and is reproduced below:-

"Attention is invited to AM (Staff) Railway Board D.O. letter of even No. dated 12.8.1996 advising the Railways of the announcement made by Honourable MR in Parliament in the course of his reply to the discussion on the Railway Budget for 1996-97 that all the 56,000 approx. casual labours on roll as on 30.4.96 will be regularised by 1997-98 and requiring the Railways to draw an Action plan to ensure that the absorption of all the casual labours on roll is completed by December 1997 so that the position of no casual labour on roll is achieved by that date.

The matter has been further considered by the Board and have decided to lay down the following guidelines for the Railways to complete the process of regularisation of casual labour on roll."

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4. Strictly in terms of the aforementioned Board's Circular, the applicants have a case for consideration. This is particularly so when it is admitted, with reference to 4.6 of the applicants claims, that the verification of the claims of the applicants is under progress.

5. In the light of the arguments advanced, materials placed before me and the Railways Board's latest instructions, the application deserves to be allowed and I do so with the following directions:-

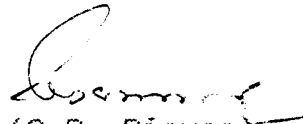
(i) The work of verification of the service particulars of the applicants herein particularly claim of having obtained temporary status, shall be completed within a period of six months from the date of receipt of a copy of this order. The respondents-Railways, having committed it, cannot escape from the responsibility.

(ii) After the steps as at (i) above, the respondents shall consider regularisation of the applicants herein strictly in terms of seniority either in the very department/station where they were originally enrolled or at other placed where comparable vacancies are available.

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(iii) Pending regularisation, the respondents shall also consider utilising the services of the applicants as Hot Weathermen staff at small stations where "Water Coolers" have not been provided or against any other suitable vacancies. If necessary, they could be utilised at other stations, although their names might figure in the roll of a particular station/department.

6. The O.A. is disposed of as aforesaid. No costs.


(S.P. Biswas)
Member (A)

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