

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.3192/92

Date of decision:-

December 11, 1992

Sh.Om Pal & Ors. ... Applicants

versus

Union of India through
Secretary,
Northern Railway,
Railway Bhavan,
New Delhi & ors. ... Respondents

CORAM: HON'BLE SHRI P.C.JAIN, MEMBER(A)
HON'BLE SH.J.P.SHARMA, MEMBER(J)

For the Applicants ... Sh.Naresh Kaushik,
counsel.

JUDGEMENT

(Delivered by Hon'ble Sh.P.C.Jain, Member(A)

In this OA under Section 19 of the Administrative Tribunals Act, 1985, there are 27 applicants and their grievance is that they are not being screened for purposes of their absorption as regular employees though their counterparts working in other Divisions are being screened and regularised. They have prayed for a direction to the respondents to absorb them after holding proper screening with effect from the date of screening and absorption of their similarly situated colleagues in the same Division and other Divisions with all consequential benefits.

2. We have heard the learned counsel for the applicant on maintainability of this OA.

In para 2 of the OA it is stated that the applicants

are all Class-IV employees of the respondents working at Saharanpur Division. However, in the cause title, applicant at SL.No.24 is shown as C/o T.O.W./C(Bikaner). Annexure A/1 which gives the particulars of all the applicants also shows the applicant ⁱⁿ ~~in~~ ²⁴ as belonging to ^{C/o Bikaner} ~~Saharanpur~~ Division. All the documents placed on record by the applicants show that the highest seniority ^{C. Unit} ~~in it~~ for regularisation of Class-IV casual/daily rated/substitute employees of the Railways is at best the Divisional Unit and not higher than that. The direction of the Hon'ble Supreme Court in the case of Inderpal Yadav (1985(2)SCC 648) was to prepare a list of project casual labour with reference to each division of each Railway and then start absorbing those with the longest service. Thus the work of screening for purposes of empanelment for absorption has to be done at the Division level. The orders placed at page 24 of the paperbook relate to a panel which was issued by the Divisional Office, Ambala. Instructions for Ambala Division were issued by the Ambala Divisional Office on 29.3.1989(Annexure-2) and the applicants being posted outside the jurisdiction of the Principal Bench and the C. 3.

relief prayed for by them to be given by the respective Divisional offices, in terms of the provisions of Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987, the Principal Bench has no jurisdiction to entertain this OA.

3. In view of the above, this OA is rejected at the admission stage itself as not maintainable. The applicants shall be free to approach an appropriate Bench in accordance with law, if so advised.

4. We offered to the learned counsel for the applicant that if he wished, we could adjourn this case to enable him to move the Hon'ble Chairman for permission under Section 25 of Act ibid to retain this OA at the Principal Bench. However, he opted not to avail of this offer.

No costs.

J.P.Sharma
(J.P.SHARMA)
MEMBER(J)

(P.C.Jain)
(P.C.JAIN)
MEMBER(A)