

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 580/1992

Date of decision: 18.11.1992

Shri Harish Chandra and Others

Applicants

Versus

Union of India through the  
General Manager, Northern  
Railway & Others

Respondents

For the Applicants

Shri V.P. Sharma,  
Counsel

For the Respondents

Shri P.S.  
Mahendru, Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed  
to see the Judgment? *Y*

2. To be referred to the Reporters or not? *N*

JUDGMENT

(of the Bench delivered by Hon'ble  
Shri P.K. Kartha, Vice Chairman(J))

The applicants who have worked as Hot Weather  
Watermen from 1973/1980 to April/August, 1991 have prayed  
for their engagement as casual labourers and regularisation.  
On 5.3.1992, the Tribunal passed an interim order directing  
the respondents to engage them as casual labourers, if  
vacancies are available in any of their branches or  
offices and in preference to persons with lesser length of  
service and outsiders.

2. We have gone through the records of the case carefully and have considered the rival contentions. The applicants are seeking the benefit of the judgment of this Tribunal dated 5.12.1991 in Harish Chandra & Others Vs. Union of India & Others (OA 304/1991 and connected matters) and dated 12.2.1992 in Bishamber and Others Vs. Union of India & Others (OA 1994/1990 and connected matters). They claim that they are similarly situated like the applicants in the aforesaid cases. The respondents have disputed this in their counter-affidavit.

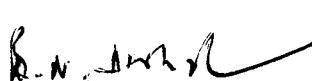
3. In our considered opinion, the problem of Hot Weather Watermen who have worked for several years in the Railways, could be solved only by making a rational scheme to absorb them in each Division of the Railways along with the other casual labourers, depending on the availability of regular vacancies. For the purpose of their regularisation, the broken period of service put in by Hot Weather Watermen should be condoned without prejudice to the claims of those who have actually worked continuously for longer periods and the total period rendered by them should be taken into account. In framing the scheme, the respondents should take the various departments of the Division as a single Unit (e.g. the departments of Loco-  
Mechanical, Traffic, Commercial, Engineering, Stores, Signal and Telecommunications,

Medical, Electrical, Workshops, etc.). The respondents shall prepare such a viable scheme as expeditiously as possible, ~~xxxxxxxxxxxxxx~~ as already directed in the case of Bishamber and Others, mentioned above.

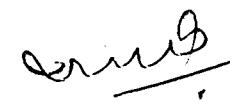
4. Till the respondents prepare a scheme as directed above and implement the same, they shall accommodate the applicants and the similarly situated persons as casual labourers in the various Divisions of the Railways, where they are presently working. In case vacancies are not available in those places, they shall be adjusted in other Divisions, depending on the length of service put in by them.

5. The interim order passed on 5.3.1992, as modified above, is hereby made absolute. The respondents are also restrained from inducting fresh recruits as casual labourers in any of their Divisions, wherever located in the country till the applicants and the similarly situated persons are regularised and absorbed in the suitable Group 'D' posts.

6. The application is disposed of on the above lines. There will be no order as to costs.

  
(B.N. DHOUDIYAL)  
MEMBER (A)  
18.11.1992

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(P.K. KARTHA)  
VICE CHAI MAN (J)  
18.11.1992