

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

MA.2287/94 & MA.2290/94 with OA.59/92 and MA.2286/94 with OA.111/92

Dated this the 2nd of September, 1994.

Shri N.V. Krishnan, Hon.Vice Chairman(A)

Shri C.J. Roy, Hon. Member(J)

OA.59/92 with MAs.2287 & 2290/94

1. Soni w/o Sh. Sua Lal,
2. Narain s/o Sh. Jhutha,
3. Dhuda - Richpal,
4. Gajanan - Kana Ram,
5. Gan Pat - Goma Ram,
6. Sunda Ram - Buccha Ram,
7. P. Anu - Bisana,
8. Jagdish - seuldass,
9. Rudmal - Chattar Pal,
10. Kashi Ram - Badri Dass,
11. Surja Ram - Giga Ram,
12. Ruda - Tara Chand,
13. Phalad - Khem Dass,
14. Kalu Ram - Mula,
15. Dhuda - Panna Ram,
16. Richpal - Chottay,
17. Ram Dhan - Jeevan,
18. Ram Lal - Har Phool,
19. Banna - Nanga,
20. Ram Narain - Kazod,
21. Sayar Singh - Bal Singh,
22. Ram Kumar - Mula,
23. Teja - Govinda,
24. Narain - Ruda,
25. Bhagwan Singh - Bhur Singh,
26. Prem Chand. - Balu Ram,
27. Mani - Girdhari Lal,
28. Pribhu Dayal - Gangu Ram,

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All were working as casual labour
under Assistant Engineer(North), Western
Railway, Jaipur and r/o at Delhi C/O
Sunil General Store, Maroli Road,
Raj Nagar, Palam Colony, New Delhi-45: Applicants.
By Advocate: Shri Yogesh Sharma, proxy for
Shri V.P. Sharma, counsel for the applicants.

Versus

1. Union of India through The General Manager,
Western Railway, Churchgate, Bombay.
2. The Divisional Railway Manager,
Western Railway, Jaipur.
3. The Secretary,
~~Western Railway Board~~
Railway Board, Rail Bhawan, New Delhi.
4. The Assistant Engineer, (North)
Western Railway, Jaipur.

.....Respondents.

By Advocate: Shri Romesh Gautam.

and

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MA.2206/94 with OA.111/92

1. Sue s/o Sh. Bhagwana,
2. Hanuman s/c Sh. Bhura,
3. Chittar s/o Sh. Sona,
4. Girdhari s/o Sh. Deepa Ram,
5. Mala Ram s/o Sh. Deepa Ram,
6. Bhana s/o Sh. Narain,
7. Babu Lal s/o Sh. Chotu Ram,
8. Sewa s/o Sh. Ratna,
9. Chhabar Singh s/o Sh. Dan Singh,
10. Kana Ram s/o Sh. Bodu Ram,
11. Sita Ram s/o Sh. Bhura,
12. Ram Kumar s/o Sh. Kazod,
13. Ghosea s/o Sh. Lala,
14. Paypa Ram s/o Sh. Khusla Ram,
15. Mohan Lal s/o Sh. Virdamal,
16. Bhagirath s/o Sh. Narain,
17. Ram Nath s/o Sh. Chittar,
18. Ramesh s/o Sh. Kazod,
19. BhanwarLal s/o Sh. Sri Kishan,
20. Sita Ram s/o Sh. Gopal,
21. Laxmi Narain- Sh. Nanga Ram,
22. Mange Lal s/o Sh. Gula ,
23. Jagdish s/o Sh. Kazod,

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29. Meera Devi w/o Sh. Goray Dass,
30. Deva Ram s/o Sh. Goma,
31. Surasti Devi w/o Sh. Deva Ram,
32. Ram Gopal s/o Sh. Dayal Dass,
33. Manohar s/o Sh. Suraja,
34. Ruda s/o Sh. Tara, ...Applicants

By Advocate: Shri Yogesh Sharma, proxy for
Shri V.P. Sharma, counsel for the
Applicants.

above applicants were
(All the working as C/L Gangman under P.W.I.
Kawant which is under Assistant Engineer, Western
Railway, Alwar and r/o C/O High Way Hotel,
(Dalip Service Station), Gurgaon Road, New Delhi).

Versus

1. Union of India through The General Manager,
Western Railway, Churchgate, Bombay.
2. The Divisional Railway Manager,
Western Railway, Jaipur.
3. The Secretary,
~~XXXXXX~~ Railway Board, Rail Bhwan,
New Delhi.
4. The Assistant Engineer,
Western Railway, Alwar. (Raj).

.....Respondents.

By Advocate: Shri Romesh Gautam.

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Both parties agree that this matter can now be disposed of in the light of the judgement of this Tribunal in OA.2441/91 delivered on 26th of May, 1994 in the case of Net Ram & Ors. versus Union of India through General Manager, Western Railway, Bombay & Ors. Accordingly, a common order is passed disposing of both the cases.

2. The applicants in OA.59/92 were engaged as casual labourers, initially in respect of one work and after finishing it, it is stated that they have been engaged in another work and so on. However, after some time, it is stated that, they did not receive any communication about any further reengagement. In the circumstances, the applicants have prayed for a direction to the respondents to consider the applicants for regularisation in their service as per the Railway Board's letter dated 11.9.86 in preference to their juniors and outsiders.
3. The applicants in OA.111/92 have also made similar averments and have sought a similar prayer. Accordingly, both these OAs are now being taken together with the consent of parties.
4. In a like matter, this Tribunal has gone into the question extensively and rendered a decision in OA.2441/91 dated 26.5.94 in the case of Net Ram & Ors. vs. The General Manager, Western Railway & Ors. The parties agree that the present application can also be disposed of on the same lines. Accordingly, we dispose of both the applications with a direction to the respondents to

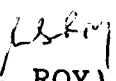
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include the names of the applicants in the Live Casual Labour Register after they are found to be eligible for such inclusion in terms of Railway Board's circular No.220E/190-XIX-A/RIV dated 28.8.87 and give engagement to the applicants as casual labourers as and when the need arises in accordance with their seniority in that Register. We also make it clear that it is open to the applicants to make a representation to the respondents concerned and to submit a proof that they are eligible for being considered for the posts in accordance with the Rules. This representation should be filed within a period of one month from the date of receipt of a copy of this order. The respondents shall dispose them of in accordance with law under intimation to the applicants within three months from their receipt. OAs disposed of accordingly.

No costs. The learned counsel for the respondents is entitled to the fees in both the cases.

Let a copy of this order be placed in both the OAs.


(C.J. ROY)
MEMBER (J)

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(N.V. KRISHNAN)
VICE CHAIRMAN (A)