

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(3)

O.A.No.1461/93

Date of decision: 14.10.1993.

Shri Piarey Lal

....

Applicant

versus

Union of India & Ors.

....

Respondents

Coram:-

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

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

For the applicant : Sh. O.P. Khokha, counsel

For the respondents : None

JUDGEMENT (ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon,

Vice-Chairman)

On 20.7.1993 we directed the issue of notice to the respondents, returnable on 08.09.1993. On 08.09.1993 Sh. Shaukat Matto, advocate appeared on behalf of the respondents in the O.A. He prayed for and was granted three weeks time to file reply on behalf of the respondents. The case has been called out in the revised list. Sh. Shaukat Matto is not present. No counter-affidavit has been filed on behalf of the respondents. In these circumstances, we have no option but to proceed to hear this O.A. even in the absence of the learned counsel and the counter-affidavit.

S.K.D.

(A) 9

Since no counter-affidavit has been filed, the averments made in the O.A. have got to be accepted as correct.

The material averments are these. The petitioner had worked as Casual Labourer/Khalasi/Waterman in the Northern Railway for 112 days from 16.4.1982 to 14.8.1982, 88 days from 30.4.1983 to 31.7.1983, 90 days from 23.4.1984 to 31.7.1984, 118 days from 19.4.1985 to 14.8.1985, 134 days from 13.3.1986 to 30.9.1986, 142 days from 14.4.1987 to 30.9.1987, 75 days from 27.4.1988 to 31.7.1988, 72 days from 13.5.1989 to 31.7.1989 and 21 days in June, 1991.

The prayer in the O.A. is that this Tribunal may direct the respondents to absorb the petitioner on regular basis from the date of completion of the period as laid down in relevant policy along with the arrears of back wages etc.

It appears that somewhat similar controversy came to this Tribunal in a number of O.As. The leading case is O.A.No. 1994/90 & Ors. A Division Bench of this Tribunal, in substance, directed the respondents to formulate a comprehensive scheme for the absorption of Hot Weather Watermen in the Railways. In paragraph-8 of its judgement, the Tribunal directed that till the respondents prepare a scheme and implement the same, they shall accommodate the applicants before them and the similarly situated persons as casual labourers in the various Divisions of the Railways, where they are presently

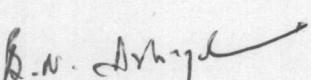
Suy

..3..

working. The Tribunal also directed that in case the vacancies were not available in those places, the applicants before it shall be appointed in other Divisions depending on the length of service put in by them.

We are not inclined to adopt the directions given in para-8 in its entirety. We, however, direct that the respondents shall accommodate the petitioner as casual labourer in the Northern Railway. We also direct that the other directions given in its judgement by the Tribunal shall be carried out by the respondents in the case of the petitioner as well.

With these directions, the O.A. is disposed of finally. No costs.


(B.N. DHOUNDIYAL)

Member (A)


(S.K. DHAON)

Vice-Chairman

/vv/

141093