

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI.

OA 291/93

New Delhi this the 15th day of April, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri Bhagat Ram
s/o Shri Ram Het

2. Shri Rewati,
s/o Shri Muli

(Both casual labours under
Station Superintendent, Central
Railway, Farah)

C/o Shri B.S. Mainee,
Advocate,
240, Jagriti Enclave,
Delhi-110092

(By Advocate Shri B.S. Mainee) ... Applicants

Vs.

Union of India : Through

1. The General Manager,
Central Railway, Bombay VT
Bombay.
2. The Divisional Railway Manager,
Central Railway, Jhansi.
3. The Station Superintendent,
Central Railway, Farah.

(None for the respondents) ... Respondents

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed by two applicants who claim that they have worked as casual labourers with the respondents. Shri Mainee, learned counsel for the applicants has submitted that while applicant No.1, Shri Bhagat Ram has worked from 1975 to 1989, applicant No.2 Shri Rewati has worked from 1981 to 1991. The respondents have filed their reply in which they have submitted that applicant No.1, has worked upto 1989 and in the case of applicant No.2 his name is appearing at Sl. No. 150 in the seniority list of hot weather waterman attached to the letter dated 20.3.1991. (Annexure R-2). Shri Mainee, learned

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counsel submits that he is satisfied with the position of applicant No.2 in the seniority list of hot weather waterman and, therefore, he does not press his claim.

2. Regarding the claim of applicant No.1 (Shri Bhagat Ram), it is seen from the reply filed by the respondents that after 1989, he has not approached the Station Master for further engagement as hot weather waterman and, therefore, his name has not appeared in the seniority list. However, Shri Mainee, learned counsel submits that in accordance with the respondents' letter dated 20.3.91, they ought to have engaged applicant No.1 together with other hot weather waterman as he had admittedly worked during 1989 but they have failed to engage him for ~~the period after~~ 1991. He submits that while applicant No.1 has put in 512 days of service prior to 1989, the person whose name is appearing at Sl. No. 697 (Shri Rama Kant) in the seniority list is shown to have worked only for 104 days. Therefore, he submits that his name should have been included in the seniority list in accordance with the number of working days, which the respondents have failed to do. ¹⁸

3. In the letter dated 20.3.91 it is stated, inter-alia, ^{shall} that the Station Superintendents (Ss.) shall engage casual labour watermen in accordance with the rules from among those who had worked during 1989 and 1990 for the year 1991. Further it is mentioned that no other persons will be engaged and in case these persons are not available, the posts should be kept vacant and the office of the DRM Jhansi should be informed. From the reply filed by the respondents, it is not at all clear whether the respondents took the necessary action as mentioned in the letter dated 20.3.91 after 1989, when they have submitted that applicant No.1 did not turn up for work. It is also not clear whether they had informed applicant No.1 to report for work as hot weather waterman in accordance with the Scheme dated 20.3.91 and inspite of that he had failed

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show up.

4. The above facts should have been clarified by the respondents but none has appeared on their behalf, although on the last date of hearing, learned counsel was present and had requested that the hearing may be adjourned for today.

5. In the above facts and circumstances, the OA is disposed of with the following directions:-

Applicant No.1 may submit a representation to the respondents including details of his service as casual labourer together with records supporting his case to the respondents within one month from the date of receipt of a copy of this order. The respondents shall thereafter consider the representation and pass a detailed and speaking order within three months from the date of its receipt and take further action in accordance with the relevant rules/instructions.

No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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