

Central Administrative Tribunal

Principal Bench: New Delhi

New Delhi this the 15th day of November 1997.

Hon'ble Dr A. Vedavalli, Member (J)

Hon'ble Mr R.K.Ahooja, Member (A)

(A)

OA No.483/93

1. Shri Kamal Kant
S/o Shri R.C.Saxena
Casual Gangman
Under PWI (NG)
Northern Railway
Pathankot
2. Shri Sunder Lal
3. Shri Ram Avatar
4. Shri Vijay
5. Shri Ladhur
6. Shri Ram Nath
7. Shri Pardesi
8. Shri Amar Singh
9. Shri Amar Singh
10. Shri Ram Lal
11. Shri Ramji Sharma
12. Shri Balbir Singh

...Applicants.

(By advocate: Shri B.S.Mainee)

OA No.891/93

1. Shri Munshi Ram
S/o Shri Nathuni Ram
Casual Gangman
Under PWI, Northern Railway
Ludhiana
2. Shri Mangla Rai
3. Shri Kalicharan
4. Shri Hublal
5. Shri Shreeksihan
6. Shri Kamlesh
7. Shri Munni Lal

52

8. Shri Bhagwati Prasad
9. Shri Prem Shankar
10. Shri Sathayandranath
11. Shri Rampal
12. Shri Rishi Kumar
13. Shri Enam Singh

(By advocate & c/o Shri B.S. Maine)

...Applicants.

(X2)

OA No.1139/95

1. Shri Surya Bali
S/o Ram Sumer
Casual Gangman
Under PWI, Northern Railway
Pathankot

2. Shri Nem Singh
3. Shri Amta Singh
4. Shri Jai Singh
5. Shri Pheru Singh
6. Shri Tiwari Lal
7. Shri Sleti
8. Shri Parmeshwari
9. Shri Vijay Vast
10. Shri Ram Autar
11. Shri Harvir Singh
12. Shri Fohan Singh
13. Shri Rajender Singh
14. Shri Ram Autar
S/o Ajab Singh
15. Shri Vijay Singh
16. Shri Amrit Lal
17. Shri Rajender
18. Shri Ram Sewak
19. Shri Nand Kishore
20. Shri Kallu Prasad

On

21. Shri Shyam Behari
22. Shri Badri Prasad
23. Shri Brij Lal
24. Shri Dharam Chand
25. Shri Shavinath
26. Shri Agnoo
27. Shri Dudhnath
28. Shri Surjan
29. Shri Shyam
30. Shri Sewaram
31. Shri Mahipal

...Applicants.

(By advocate and C/o Shri B.S. Mainee)

Versus

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi
2. The Divl. Railway Manager
Northern Railway
Allahabad.
3. The Divl. Railway Manager
Northern Railway
Ferozpur
4. The P.W.I. Northern Railway
Pathankot.

...Respondents.

(By advocate: Mr R.L. Dhawan)

O R D E R

By Mr R.K. Ahooja, Member (A)

These three OAs involving the same question are
being disposed of by a common order.

2. Applicants in these OAs are casual gangmen who
approached this Tribunal being aggrieved by their transfer

DR

from Allahabad Division of Northern Railway. They have sought similar reliefs, namely, the orders of transfer be quashed, respondents be directed to regularise them and the applicants be extended the benefit of insurance scheme. When the matter came up for final hearing on 24.10.1997, Shri E.S. Mainee, learned counsel for the applicant in all these cases said that the applicants do not wish to press any of the reliefs at this stage except the following. The reliefs being pressed are:

8.3: to direct the respondents to extend the benefit of insurance scheme to the applicants without any further delay;

8.7: to direct the respondents to pay to the applicants their salaries for 9 days period involved in the transfer.

2. We have perused the materials on record and have heard the learned counsel on both sides.

3. An order in OA 483/93 had been passed on 24.12.1993 by a Division Bench of this Tribunal. Disposing of the OA, the Bench had observed as follows in respect of the prayer for extension of group insurance scheme:

"In so far as the prayer for grant of Group Insurance facility is concerned, it is clear that the same is limited to regular Central Government employees and cannot be extended to the casual labourers as per the terms and conditions contained in Finance Ministry's letter dated 27.12.80. No doubt, in Nawab Ali's case (Supra) relied upon by the Tribunal in Rambir Singh's case (Supra), it had been ordered that the facility of Group Insurance Scheme should be extended to the casual labourers, but prima facie it would appear that the contents of Finance Ministry's letter dated 27.12.80, referred to above, was not brought to the notice of the Tribunal during hearing in either of the two cases, referred to above. There is nothing to

indicate that the contents of Finance Ministry's letter dated 27.12.80 are arbitrary, discriminatory or malafide or violative of Articles 14 & 16 of the Constitution which would warrant it being set aside. (AS)

However, as the Tribunal in the two cases, referred to above, have directed that the facilities of Group Insurance Scheme would be extended to the casual labourers also, we recommend to the Hon'ble Chairman that this matter be kindly placed before a larger Bench to determine conclusively whether in the face of Finance Ministry's letter dated 27.12.80, the benefit of Group Insurance Scheme is to be extended to the casual/temporary labourers or not.

As we are recommending that this case be placed before a larger bench, we do not consider it necessary to discuss the other reliefs prayed for viz. payment of daily allowance for having made the applicants work outside Headquarters and payment of salary for 9 days involved in the transfer."

4. The above reference was taken up by the Full Bench which answered the reference by its order dt.3.8.95 as follows:

"Even in the face of the Finance Ministry's letter dated 27.12.80, the benefit of Group Insurance Scheme is to be extended to casual labourers with temporary status/temporary labourers in the Railways by relaxing the relevant rules or instructions."

5. The only objection of the respondents to this prayer is that in view of the Finance Ministry's letter dated 27.12.80, the benefit of Group Insurance Scheme cannot be extended to casual labourers. This matter as shown above has already been decided by the Full Bench. The three OAs are accordingly disposed of in terms of the answer given by the Full Bench.

6. In regard to the relief of salary for 9 days involved in the transfer, since the main prayer regarding transfer is not pressed, the prayer for 9 days salary being consequential one, the same also does not survive.

7. All the OAs stand disposed of accordingly.

Member (A)

aa.

Member (J)

Attn:

Prm