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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 06th day of July 2001.

Original Application no. 127 of 1997.

Hon'ble Mr. SKI Naqvi, Judicial Member

1. Chhotey Lal, S/o Harangi,
R/o village Araji Basdila,
Post Kusumhi Bazar,
Gorakhpur.
2. Ambika Singh, S/o Raj Bahadur Singh,
R/o Village Marapar, Post Kusumhi Bazar,
Gorakhpur.
3. Bali Ram, S/o Sri S. Rathi,
R/o Vill Loni, Post Sighoria,
Gorakhpur.
4. Ram Samujh, S/o Tirath,
R/o Vill Baluan, Post Kusumhi Bazar,
Gorakhpur.
5. Ram Vilas, S/o Sri Junglee,
R/o vill Dhodhra, Post Baisahan,
Gorakhpur.
6. Phaujdar, S/o Chabi Raj,
R/o vill Rudlapur, Pasi Tola, Post Kusumhi Bazar,
Gorakhpur.
7. Vinod Singh, S/o Sri Uma Shankar Singh,
R/o Village Madapar, Post Kusumhi Bazar,
Gorakhpur.
8. Lal Bihari, S/o Sri Parmarath,
R/o vill Shivpur, Post Jagaha,
Gorakhpur

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9. Girja Prasad, S/o Tilak Dhari,
R/o Vill Patti, Post Kusumhi Bazar,
Gorakhpur
10. Ram Vilas, S/o Basu,
R/o Village Madapar,
Post Kusumhi Bazar,
Gorakhpur.
11. Dayanand S/o R.R. Pandey,
R/o Vill Manjharia Bistaul, Post Badge,
Gorakhpur.
12. Ram Deen, S/o Ram Subhag, R/o Vill
Jharawan, Post Badge,
Gorakhpur
13. Rameshwar, S/o Ram Lakhan,
R/o Vill Koni,
Post Kusumhi Bazar,
Gorakhpur.
14. Kailash Prasad, S/o Ram Roop,
R/o Vill and Post Gopalpur,
Gorakhpur.
15. Sachehidanand Yadav, S/o R. Yadav,
R/o vill Chhitauni, Post Pipraich,
Gorakhpur.
16. Subhash Chandra, S/o Chhotey Lal Gupta,
R/o vill Kusumhi, Post Kusumhi Bazar,
Gorakhpur.
17. Ram Narain Sharma, S/o M. Sharma,
R/o vill Bankatia Buzurg, Post Pipraich
Shakha Patra, Gorakhpur.
18. Ram Niwas, S/o Raja Ram,
R/o vill Madapar, Post Kusumhi Bazar,
Gorakhpur

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19. Baij Nath, S/o Sahdev,
R/o Vill Gopalpur,
Post Gopalpur, Gorakhpur.

... Applicants

C/As Shri G.D. Mukherji
Shri S. Mukherji

Versus

1. The Union of India through the General Manager,
N.E. Rly., Gorakhpur.
2. The Divisional Railway Manager,
Varanasi Division, N.E. Rly.,
Varanasi.
3. The Divisional Railway Manager,
Lucknow Division, N.E. Rly.,
Lucknow.

... Respondents

C/Rs. Shri V.K. Goel

O R D E R (Oral)

Hon'ble Mr. SKI Nagvi, Member-J.

The applicant Shri Chhotey Lal & 18 others have come up seeking relief to the effect that the respondents be directed to re-engage them and to regularise their services.

2. As per applicants case, applicants no. 1 to 18 worked in the Mathura Sonpur project, while the applicant no. 19 initially worked in open line and, thereafter, in different projects. The applicants no. 1 to 9 have worked in various inspectorates which

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come under the direct supervision of the respondent no. 2 while the applicants nos 10 to 18 have worked in the various inspectorates, which are ^{also} under direct control of respondent no. 3, the applicant no. 19 worked in Lucknow as well as in Varanasi divisions of N.E. Railway. The applicants have further narrated that all of them worked in the year 1981, whereas some of them worked in the year 1982 and 1984 also. On the strength of number of days they worked, their names have been entered in the Live Casual Labour Register and inspite of their seniority position in the Live Casual Labour Register, some juniors to them have been engaged ignoring their claim for which they approached the competent authority and moved the representations also, but without any good result and, therefore, have come up seeking the relief as above. Through suppl. affidavit, the applicant have also brought on record the names of those who where re-engaged inspite of their being junior to the applicants.

3. The respondents have contested the case and filed counter affidavit, raising preliminary objection on the ground that the applicants have different cause of action and, therefore, they are not entitled to prosecute the matter jointly. The plea of bar of limitation has also been raised. On factual side of the matter, there is submission that when the recruitment was made in the year 1993 ^{to} on the post of Safaiwala, the applicants where also informed and where invited to apply, but they did not and, therefore, those who where available,

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and found fit, have been engaged. Through CA-4, the respondents have brought on record, the seniority ~~list~~ position of the petitioner in Varanasi and Lucknow Division as it stood on 1.4.1985.

4. Heard Shri S. Mukherji for the applicant and Shri S.K. Mishra learned proxy counsel ^{and brief holder} for Shri V.K. Goel for the respondents.

5. It is not in dispute that the applicant find their names in Live Casual Labour Register and seniority was assigned to them, as it stood on 1.4.1985. Nothing brought on record to show that their names have been struck off or dropped from the Live Casual Labour Register. Regarding the position of recruitment to the post of Safaiwala in the year 1993, there is rival contention. As per the respondents, the recruitment was ^{notified} ~~invited~~ to applicants as well, but the applicant have denied this position. But from neither side there is any documents to support ^{their} ~~this~~ contention.

6. So far as the question regarding the joint petition is concern, now it is too late to raise this issue at the stage of final hearing.

7. In view of the facts ^{there} that the applicants continued to be ^{application} ~~their~~ on Live Casual Labour Register, the applicant cannot be ^{labelled} ~~labelled~~ with being barred

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by limitation.

8. Keeping in view the facts and circumstances of the matter, the OA is decided with the following directions :-

The competent authority in the respondents establishment to examine the individual cases of the applicants and provide employment in accordance with their entitlement, availability of vacancies and the position as per procedure ^{under} of rules in this regard, whenever next recruitment is made ^{and} care be taken that the claim of the applicant is not ignored as against their juniors. In case any junior to any of the applicant has already been engaged, the seniority be assigned accordingly *at the time when the applicant are considered and reengaged.*

9. No order as to costs.

S. C. R. Rao
Member-J

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