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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 949 of 1997

Allahabad this the 21st day of December, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Mohd Firoj Sen of Sri Madar Baksh, Gaighar Line Par, Muradabad.
2. Sri Udaï Veer Singh Sen of Sri Durga Singh R/o Line Par, Chidiyatola, Mahendru Wali Gali Muradabad.

Applicants

By Advocate Shri Birendra Kumar Srivastava

Versus

1. Union of India, through Ministry of Railway/ Railway Secreteriate, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Moradabad.
4. The Assistant Personnel Officer(M), Divisional Railway Manager's Office, Northern Railway, Moradabad.
5. The S.S.E.(OSW), Northern Railway, Moradabad.

Respondents

By Advocate Shri Prashant Mathur

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O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicants^{have} come up seeking relief to the effect that the impugned order~~dated~~ 01.8.1997 be quashed whereby the services of the applicants have been terminated and the respondents be directed to treat the applicants in service with all benefits admissible under law.

2. As per applicants case, a writ petition was filed before the Hon'ble Supreme Court. In pursuance of direction by the Apex Court, the cases of casual labours including the applicants were examined and they were placed in Live Casual Labour Register, wherein applicant no.1-Mohd Firej finds place at sl. no.19 and the other applicant-Udai Veer Singh was placed at serial no.21. The applicants were re-engaged as per their position in the Live Casual Labour Register but, another litigation cropped up vide O.A.No.2345 of 1996, in which the engagement of the applicant was challenged on the ground that they have been engaged in preference to those who were having more number of working days and thereby senior to the applicants. That O.A. was decided with the direction to the respondents to verify the fact and in consequence thereof, another scrutiny was made in which, perhaps, the contention in that O.A. was found substantiated and consequently the applicants were disengaged as per impugned order, for which the applicants have come up seeking the above reliefs.

Signature

13

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3. The respondents have contested the case with simple summarised mention that in pursuance of O.A.No.2345/96 before Principal Bench, the matter was re-examined and those who were found senior to the applicants, were engaged and consequently the applicants have been disengaged.

4. Heard learned counsel for the parties and perused the record.

5. Learned counsel for the applicants emphasised that subsequent~~ly~~ disengagement of the applicants was erroneous as their claim has not been assessed in right prospective, those who have been engaged by disengaging the applicants, were not senior to the applicant and, therefore, directions be issued to re-engage the applicants as per their claim. Since there is no specific mention in the pleading or any of the annexures that who have been re-engaged after the applicants were disengaged, what are their particulars and what is their position in the seniority in the Live Casual Labour Register, hence ~~therefore~~^{Since}, no finding is possible only on hypothitication. Therefore, there is no sufficient ground or reason to quash the impugned order. However, the O.A. is decided with the observation that the respondents shall take care that the applicants are not ignored at their turn and no junior to them is preferred over them ^{later} while there is any re-engagement in the establishment. No order as to costs.

Secy M. M. /

Member (J)