

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.645 of 1998

Allahabad this the 25th day of January, 2003

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Ramzan Khan, Son of Sri Bashir Ahmad, resident of
Birkha Koli Ka Bada, Tansen Road, Gwalior(M.P.)

Applicant

By Advocate Shri Satish Mandhyan

Versus

1. Union of India through Commercial Supervisor,
Central Railway, Bombay V.T.
2. Deputy Commercial Supervisor Stores, Central
Railway, Jhansi.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R

By Hon'ble Mr.A.K. Bhatnagar, Member(J)

This application has been filed for direction to the respondents to accord temporary status of M.R.C.L. and to consider him against the future vacancies in the department. The applicant has also sought a direction to the respondents to regularise him on the post of Khalasi ^{on} ~~at~~ his turn in view of G.O.dated 03.09.96.

2. The facts of the case giving rise to this O.A. are that the applicant worked under the respondents in different spells from 18.10.86 to 23.06.91 in different capacities. Vide order dated 01.02.90 he was called

to appear before the Screening Committee on 12.02.90 alongwith his service card and educational qualification documents, The casual labour card no.254956 submitted by him, which has not yet been returned to the applicant. The result of Screening Committee was not communicated to the applicant as yet. The persons junior to him were given seniority over him. Feeling aggrieved by the inaction of the respondents the applicant had filed O.A.No.339 of 1994 before the Central Administrative Tribunal, Jabalpur, Circuit Bench at Gwalior, which was dismissed as withdrawn, on 19.10.1994. The applicant again filed an O.A. No.208 of 1996 before the same Bench. The case papers were returned to the applicant by the order dated 17.04.1998 on account of jurisdiction and to file the same before the Central Administrative Tribunal, Allahabad Bench. Taking the shelter of G.O.dated 03.09.96, the applicant has stated that he is entitled to get M.R.C.L. status and also entitled to continue in service.

3. The respondents have contested the case In their counter-affidavit, they have stated that the O.A. is bad due to multiplicity of reliefs as the applicant is claiming two reliefs in one O.A. It is stated that the O.A. is barred by limitation They have mentioned that the applicant was called for screening on 12.02.90 but his name was not included in the panel as he could not pass the test. The claim of the applicant that his juniors were given preference over him, is denied. With the above facts the respondents have prayed for dismissal of the O.A.

As

4. The applicant has filed rejoinder, reiterating the facts mentioned in the O.A. Learned counsel for the applicant has mentioned that the reliefs claimed are consequential.


5. I have heard the counsel for the parties and perused the record.

6. Learned counsel for the applicant is relying on the Judgments given by this Bench in O.A.No.39 of 1998(on 24.11.2000) and O.A.No.636/91 and connected with O.A.No637/91(on 19.01.2000). Learned counsel for the respondents has relied on the Judgment in U.O.I. & another Vs. Mohan Pal and Ors(2002)4 S.C.C. 573. I have perused the Judgments cited by the learned counsel. The matter before the Hon'ble Supreme Court relate to the benefits accruing from the casual labours[Grant of Temporary Status and Regularisation]Scheme, 1993 issued by the Department of Personnel and Training. That particular scheme relate to the casual labours working under the Central Government office and would not be applicable to the case of the employees of the Indian Railways where the Indian Railway Establishment Manual itself provides temporary status to casual labours in Chapter XX. Hence the said scheme would not be applicable to the case of the employees of the railways. As such, the Judgment would not be factually covering the case of the applicant in the present O.A. The casual labourers in Indian Railways and in other Central Government offices are placed differently. Further this view was taken by the Hon'ble

Am

Supreme Court as lot of controversy was being raked up by the casual labourers appointed after the promulgation of the Scheme of 1993 and, as such, the Hon'ble Supreme Court was pleased to observe that the said scheme was one time measure of relaxation and would not enure any benefits to the labourers who were not in employment as on 01.09.93. Therefore, I am in respectful agreement with the views expressed in the order dated 24.11.2000 passed in O.A.No.39/98 and find the applicant of this O.A. also entitled for the same relief. In that Judgment the view expressed by the Division Bench of this Tribunal in O.A.No.1550/92 was held to be proper. Similar view was taken in O.A.No.636/91 connected with O.A.No.637/91, decided on 19th January, 2000.

7. For the aforesaid reasons the O.A. is disposed of with direction to the respondents that the applicant may be granted temporary status, if he has not been already granted the same. His name shall be entered in the Live Casual Labour Register at an appropriate place. The case of the applicant for regular appointment shall be considered on his turn. No order as to costs.


Member (J)

/M.M./