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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 31st DAY OF MAY, 1995

HON. MR. JUSTICE B.C. SAKSENA, V.C.
HON. MR. S. DAYAL, MEMBER(A)

ORIGINAL APPLICATION No. 264 of 1987

1. Bhola son of Kishore
2. Rama Kant Sharma son of Dhupai Sharna
3. Mahesh son of Bunela
4. Ramu Singh Chauhan, son of Ragunath Singh
5. Ram Singar, S/o Narottam
6. Hari Ram Mishra, S/o Achhaivar Prasad Mishra
7. Duoodh Nath S/o Sri Chaturi
8. Rama Nand s/o Jalim
9. Shyam Bali s/o Sri Mukuth Nath
10. Ram Prasad s/o Vindhyaachal
11. Vikram s/o Sri Kishun
12. Rudal s/o Rama Kant Yadav
13. Ram Piarey s/o Vindhyaachal
14. Ram Naresh s/o Ram Jatan
15. Ram Nath s/o Sri Ram Baran

.... Applicants

BY ADVOCATE SHRI G.C. BHATTACHARYA

Versus

1. Chief Engineer(Construction)
N.E. Railway, Gorakhpur.
2. Executive Engineer(Construction)
N.E. Railway, Gorakhpur.

.... Respondents

BY ADVOCATE SHRI A.K. GAUR

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Alongwith

ORIGINAL APPLICATION No. 263 of 1987

1. Sita Ram Gaur
2. Baijnath
3. Raj Kumar I.
4. Aniruddh Prasad
5. Ramkesh
6. Ram Sumer
7. Bhurai Yadav
8. Raj Kumar II
9. Suresh Prasad
10. Kailash Singh

.... Applicants

Versus

1. Chief Engineer(Construction)
N.E. Railway, Gorakhpur
2. Executive Engineer(Construction)
(Bridge) N.E. Railway, Gorakhpur

* Respondents

O R D E R (Reserved)

JUSTICE B.C. SAKSENA, V.C.

In the first O.A the applicants services were terminated, by identical orders passed in respect of each of them, dated 13.2.87. The said orders show that in view of the directions given by the Hon'ble Supreme Court in being various civil appeals, the leading case/Prahlad Singh and Ors Vs. Union of India and Ors rendered on 22.4.85 and keeping in view the provisions of Section 25(g) since length of persons with longer/service as casual labours who could not be absorbed and accommodated in terms of the decisions of the Hon'ble Supreme Court in 'Indrapal Yadav' & Ors Vs. Union of India and Ors decided on 22.4.85, the applicants services were terminated.

2. Similarly, in the connected OA No. 263/87 order

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of termination dated 14.2.87 had been passed. The respondents have indicated in their written statement that in terms of the direction of the Hon'ble Supreme court in Indra Pal Yadav's case a seniority list of Project Casual Labours indicating the number of working days as on 1.4.85 of all the Project Casual Labours of the Lucknow Construction Division was published and objections were invited. However, no representation had been filed on behalf of the applicants. It has further been indicated that on the sanction of new Project i.e. Burhwal Sitapur Project about 200 Casual Labours were to be engaged and that can only be done as per the seniority list of the Lucknow Construction Division and a notification indicating the names of 250 casual labours of Lucknow Construction Division as per their seniority position had been called to appear. In the connected OA 263/87 it has been indicated that offer of re-engagement had been issued to most of the applicants and those left out were having lower position in the seniority list /are not within the zone of consideration at the moment. It has been stated that their cases shall be considered on availability of further work as per their seniority. They will be offered job when their turn comes. The order of termination has been passed in the light of the directions of the Hon'ble Supreme Court, in Prahlad Singh's case. Copy of the order passed in Prahlad Singh's case is Annexure CA-4 to OA 263/87. The applicants have taken the plea that seniority list has/been published.

3. The respondents in their counter-affidavit have annexed a chart indicating the correct period of services of the applicants and also list showing the re-engagement of Ex-senior casual labours. OA 264/87 concerns the casual labours of Varanasi Construction Division. In view of

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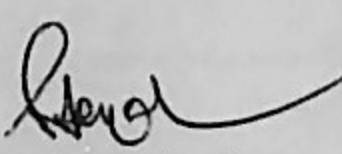
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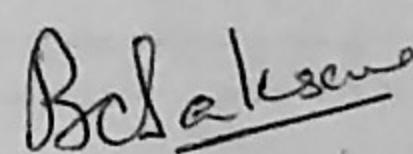
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the detailed facts given by the respondents in their Counter affidavit it is difficult to hold that compliance with the Scheme preferred by the Railway Administration and approved by the Supreme Court in the case of Indra Pal Yadav has not been made by the respondents. The order for termination of the applicants services had been passed so as to afford opportunity of re-engagement to Project Casual Labours of the respective Divisions who had longer length of service than the applicants. We have no manner of doubt that the respondents will not carry out the assurance extended in their written statement for re-engaging the applicants on the availability of further work and posts in the Division concerned in accordance with their seniority position.

4. In view of the discussion hereinabove, there is no merit in the QAs. They are dismissed subject to the observations made hereinabove. Parties shall bear their own costs.


Member (A)


Vice Chairman

Dated: 31st May 1995

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