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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Allahabad, this date 25th of Sep 1996

CORAM: Hon'ble Dr. R.K. Saxena, J.M.
Hon'ble Mr. D.S. Bawej, A.M.

ORIGINAL APPLICATION No.398 of 1987

1. Raja Ram S/o Laxmi,
2. Sukhdeo S/o Ram Ashish,
3. Om Prakash S/o Subedar Singh,
4. Ram Briksha S/o Jagrup
5. Ram Priti S/o Swami Nath,
1 to 5 temporary status Khalasi, Bridge
construction Unit, Khagria, Katihar, Lucknow
Division (Bridge Inspector, North-Eastern
Railway, H.Q. Gorakhpur.
6. Ram Sanehi S/o Gurudin, Temporary status
Khalasi, Bridge-Construction Unit, Daliganj,
at Katighar Bridge No. 10-A, Lucknow Division,
North-Eastern Railway, H.Q. Gorakhpur.

C/A: Sri Rakesh BahadurApplicants

Versus

1. Union of India, through the General Manager,
N.E. Railway, Gorakhpur.
2. The Executive Engineer, Construction, Bridge,
N.E. Railway, Gorakhpur.

C/R: Sri A.V. SrivastavaRespondents

O R D E R

(Hon'ble Dr. R.K. Saxena, J.M.)

This O.A. has been filed by six applicants
u/s 19 of the Central Administrative Tribunal Act
and sought the relief that the impugned orders

annexure no. 11 to 16 passed by the respondent No.2 on 14-2-87, be quashed and directions be given to correct the seniority list dated 17-10-86 annexure-7.

2. The facts leading to this case are that the applicants had been engaged as casual khalasis in construction (Bridge) unit of the North Eastern Railway and in due course of time they had attained the status of temporary Khalasis. It is claimed that the applicants had worked for more than 6 months and thus in view of para 2501 of the Railway Establishment Manual and case law on the point, they should have been regularised but the respondents retrenched them by impugned notices and also the seniority list was prepared treating the applicants as a casual labourers of a project. Hence this O.A. with the relief which was shown in the beginning.

3. The respondent contested the case by filing the counter affidavit of Sri S.M.Bhartiya, Executive Engineer. The O.A. is said to be barred by limitation. It is pointed out that the Government of India had decided to convert 587 KM. long Samastipur Barabanki metre gauge line into broad gauge line, and on its project being sanctioned, the work of conversion was started. For the purpose of this conversion, there were several 100 persons ^{who} _{were} engaged as casual labourers. It is contended that in view of the dictum by their Lordship of Supreme Court in Indrapal Yadav's case, the seniority list of the casual labourers was prepared and they were retrenched in accordance with the provision of law. The claim of the applicants for regularisation is denied.

4. The applicants filed rejoinder in which the facts as ^{re} were stated in the O.A., were reaffirmed.

5. We have heard the learned counsel for the parties and have perused the records.

6. The question for determination in the case is if the applicants had worked on a project and whether they could be retrenched on the completion of the project in the manner in which they were retrenched. There

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is no dispute on this fact that applicants had worked on the project of conversion of metre gauge into broad gauge line. It appears from the pleadings of the applicants that they are not treating this work as work on a particular project. In our opinion, the conversion of metre gauge line into broad gauge line is not a permanent work. Definitely it is a project in which huge man-power was required but for a short period. Such a huge man-power can not be retained on the completion of the project. In our opinion, the contention of the learned counsel for the respondents that the applicants were engaged in the work for the project of line conversion is quite correct. This fact had come up for a decision before Lucknow Bench of High Court of Allahabad in Writ Petition No. 1799/82 Utti Lal and others versus Union of India & others and in that case which also related to the conversion of metre gauge into broad gauge, and it was decided that the said work was work on a project. The copy of the judgment of Lucknow Bench has been brought on record. Thus, we are fortified in our conclusion that the conversion of Samastipur Barabanki - metre gauge line into broad gauge line, was a project.

7. The question however, arises as to how to deal with the casual labours who had worked on a project. The lordship of Supreme Court in Inderpal Yadav's case had considered this aspect and certain guidelines were laid down. The learned counsel for the respondents have argued that the list annexure-17 was prepared in accordance with the directions given by the Hon'ble Supreme Court in case of Indrapal Yadav. It is also contended that the retrenchment notices have also been given to the applicants keeping the said decision in view. The learned counsel for the applicants could not show anything which may indicate any illegality either in the orders of retrenchment or in the seniority list prepared by the respondents after the project was over.

8. We have also given a considerable thought to the issue raised by the applicants and we do not find any illegality in the orders. Thus, we find no merits in the case. The O.A. is, therefore, dismissed accordingly. No order as to costs.

W. B. Smith
MEMBER(A)

J. Durand
MEMBER(J)

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