

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 14th day of September 2000.

CORAM: - Hon'ble Mr. Rafiq Uddin, Member-J  
Hon'ble Mr. S. Biswas, Member-A.

Original Application No. 1474 of 1992.

1. Subhash Chandra S/O Jawahar Lal,  
H/No. 103, Shahgang, Allahabad.
2. Rajendra Kumar S/O Maluka,  
R/O Railway Hospital, Out House No.427/p,  
Northern Rly, Allahabad.
3. Gulab Chand S/O Manik Chand,  
R/o Rly hospital, Out House NO.427/D,  
Northern Railway, Allahabad.
4. Ramesh Kumar S/O Mewa Lal,  
R/O Rly. Hospital, Out House NO. 454,  
Northern Rly, Allahabad.
5. Pradeep Kumar S/O Dhunoo X R/o House No.  
517, Muthigang
6. Dilip Kumar S/O Dhunoo X Near Sundergang  
Mandi,
7. Jitendra Kumar S/O Dhunoo X Allahabad.
8. Chhedi Lal S/o Methailal,  
R/o Block No. 456/I, Smhith Road, Allahabad.
9. Absar Ahmad, S/o N. A. Siddiqui,  
Block No. 843/B, Goods Shed Colony, Allahabad.

..... Applicants

Counsel for the applicants: -Sri K.S. Saxena

V E R S U S

1. Union of India, through the General Manager  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern  
Railway, Allahabad.
3. The Senior Divisional Mechanical Engineer,  
Northern Railway, D.R.M. Office, Allahabad.
4. The Senior Divisional Personnel Officer,  
Northern Railway, D.R.M. Office, Allahabad.
5. Mukesh Kumar, Safaiwalla, Under  
C.D.O. (C&W) Northern Railway, Smith Road  
Allahabad.
6. Rajendra Prashad, Safaiwalla X  
X Under C.D.O.  
7. Deepak Kumar, Safaiwalla X (C&W),  
X Northern Railway  
8. Pappu, Safaiwalla X Smith Road  
X Allahabad.  
9. Ajai Kumar, Safaiwalla X  
X  
10. Sanjay Kumar, Safaiwalla X

..... Respondents.

Counsel for the respondents:- Sri V.K.Goel.

O R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

Applicants were initially appointed as Casual Safaiwallas under C.W.S/ C&W, Allahabad for different days during the year of 1984-1989. The applicants namely Subhash Chandra was worked for 68 days, Rajendra Kumar for 67 days, Gulab Chand for 64 days, Ramesh Kumar for 72 days, Pradeep Kumar for 66 days, Dilip Kumar for 66 days

R



Jitendra Kumar for 66 days, Chhedi Lal for 47 days and Absar Ahmad from 17.01.89 to 22.02.89 during the Kumbh Mela, 1988-1989.

2. The applicants namely Gulab Chand, Rajendra Kumar, Ramesh Kumar, Chhedi Lal and Absar Ahmad have also claimed that they have also worked as Casual Labour under various units on Allahabad Division for which they have annexed certificates from the authority concerned.

3. The applicants have filed the present O.A with the allegation that respondent Nos. 2 and 3 have appointed Casual Safaiwalas who were junior to the applicants on 20.01.91. The applicants raised their grievance regarding illegally re-engagement of some junior Safaiwalas and met the D.R.M and also sent joint representation to the authorities. but the same remain unanswered. Therefore, the applicants seek the direction to the respondents to re-engage them as Casual Labour under C.W.S/ C&W, Northern Railway, Allahabad immediately and absorb them as per Railway Board's instructions under time bound program.

4. The respondents on the other hand mention in their counter reply that the applicant Nos. 1 to 7 were engaged as Casual Safaiwala under CWS/ C&W for 9 days, 9 days, 6 days, 14 days, 08 days, 08 days and 08 days only respectively in the year 1986. Therefore, the applicants have no right to be re-engaged in terms of the para 2004 of IREM. The respondents have also stated that no record is available regarding work of applicant Nos. 1 to 8 in Kumbh Mela. Thus the applicants having

worked in the Kumbh Mela under different seniority units namely Medical unit and I.O.W, it does not make the applicants entitled to re-engage under CWS/ C&W, Allahabad.

5. We have heard Sri K.S. Saxena, learned counsel for the applicants and Sri V.K. Goel, learned counsel for the respondents.

6. Learned counsel for the applicant at the out set has stated <sup>that he</sup> ~~it~~ would not press his relief for re-engaging the applicants under C.W.S/C&W if they are entitled, they may be engaged in any unit of Railway department of Allahabad as Casual Labour.

7. It is evident from the pleadings that the applicants are Safaiwals and had been engaged as Casual Safaiwala in various units including during the period from 1984 to Kumbh Mela. The applicants however, not mentions whether their names are entered in the Live Causal Labour Register or not. Learned counsel for the applicants urged that the respondents may be directed to verify whether the name of the applicants have been entered in the Live Casual Labour Register or not and in case it is found, their services can be utilised as Casual Labour as and when the vacancy arose including forth coming Kumbh Mela.

8. We also find from the certificate dt.09.08 89 issued by C.O.W.I, Allahabad and one of the applicant namely Absar Ahmad was appointed as Casual Labour Safaiwala for 37 days from 17.01.89 to Kumbh Mela, 88-89 and his name is appeared in

R

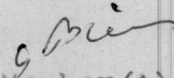


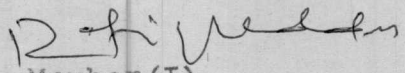
in the Live Casual Labour Register.

9. Considering the facts that the applicants are poor Safaiwalas, Respondents are directed to verify the working days of the applicants and if their names were entered in the Live Causal Labour Register, engaged them as Casual Safaiwalas as and when the work is available and grant them consequent reliefs after counting their previous days as per extent instructions and Rules.

The O.A is disposed of accordingly.

10. There will be no order as to costs.

  
Member (A)

  
Member (J)

/Anand/