

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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O.A.No.1672 of 1992.

Phoolwari Lal & Others

... Applicants

Versus

Union of India & Others

... Respondents

HON'BLE MR. JUSTICE R.K.VARMA -V.C.  
HON'BLE MISS USHA SEN -MEMBER (A)

(By Hon'ble Miss Usha Sen- A M)

The two petitioners of this O.A. have sought the relief to issue directions to the respondents to reengage them as "Hot Weather Waterman" and absorb them on regular posts in accordance with the rules and orders laid down in Annexure A-1 to A-5 and enter their names in the computerised seniority list of casual Hot-Weather Waterman.

2- The petitioners were engaged as Hot-Weather Waterman in various spells of service. Petitioner No.1 was first engaged on 19-4-1976. He was not reengaged after 30-6-1980. He claims to have put in a total of 477 days of work. Petitioner no.2 was first appointed in 1982 but not reengaged after 1983. He claims to have put in a total of 157 days of work. Certificates of working have been attached with the O.A. In accordance with the copies of the orders and notings attached as Annexure A-1 to A-5, the petitioners should have been considered for reengagement in the order of their seniority. Annexure A-4 would indicate that the first preference for appointment as Hot-Weather Waterman was to be given to those casual labour who had worked prior to

1978 and the second preference to those persons who had worked earlier as watermen even if they had not worked prior to 1-8-78.

The petitioners have alleged that persons with fewer days of service than the days of service put in by them have been reengaged <sup>3</sup> and ~~but~~ their reengagement has been illegally ignored.

3- In this case no counter has been filed despite several opportunities having been given. However, during the course of hearing the counsel for the respondents stated that the petitioners had not made any representation to the respondents for their reengagement and that if a representation is now made it would be considered and decided on merits.

4- Considering the facts of the case and the pleadings of the two sides, we deem it appropriate to direct the respondents, which we hereby do, that if a representation is now made by the petitioners regarding their grievances it shall be examined on merits in accordance with the various orders in the matter and a reasoned reply given to them. The petitioners shall further, be reengaged in accordance with their seniority as per the rules.

Find

In case the respondents/ on their examination that some persons junior<sup>s</sup> to the petitioners had been reengaged overlooking their just claims then they shall be placed in the seniority list by giving them notional seniority taking into account the number of days they were unjustly denied the opportunity <sup>3</sup> ~~which~~ in fairness they should have been given ~~for reengagement~~. The findings of the respondents on all these points should be included in the reply to be given to the petitioners in response to the representations to be preferred by them apart from any other point the petitioners may raise in the

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representations. The examination of the case and the reply by the respondents as aforesaid should be given within a period of three months from the date the representations of the petitioners were received by them. With this direction the O.A. is disposed of. No order as to costs.

U. B.  
MEMBER (A)

DATED: ALLAHABAD APRIL 11, 1944.

R. K. V. M.  
VICE CHAIRMAN

(IS PS)

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