

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 7th Day of March 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 204 of 1992.

Chhedi Lal aged about 26 years,
son of Sri Bhagole
resident of Village and Post Amra,
Tahsil Moth,
Distt. Jhansi (U.P.)
Lastly working as Monthly Rated Casual Labour
at Kailaras Railway Station,
Central Railway.

. . . Petitioner.

Counsel for the applicant: Sri H.P. Chakravorty, Adv.
Sri A.K. Dave, Adv.

Versus

1. The Union of India through
Secretary Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Central Railway, Bombay V.T.
3. The Divisional Railway Manager,
Central Railway, Jhansi.

. . . Respondents.

Counsel for the Respondents: Sri Prashant Mathur, Adv.

Order (Open Court)

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

By means of this O.A., the applicant
seeks a direction to the respondents to absorb
the applicant in regular service and issue casual
labour card in terms of para 2512 and 2513 of Indian
Railway Establishment Manual.

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2. The applicant was initially engaged as Seasonal Waterman with effect from 6.6.1986 and has been working as Seasonal Waterman thereafter in every year in Summer Season at Railway Station Konch and lastly at Kailarash in July 1990. The applicant has worked on different dates, details whereof have been mentioned in the O.A.

3. The applicant after completing requisite number of days and passing the requisite medical examination in Category B-1 has been given status of Monthly Rated Casual Labour (M.R.C.L.). The case of the applicant is that certain persons who were engaged later, have been considered for regular absorption and therefore he also submitted an application on 27.5.90 for his regular absorption. However, the respondents did not consider his application and did not re-engage in the current season commencing from April 1991. The applicant also submitted another representation dated 29.4.91 but he has not been absorbed as regular employee by the respondents nor he has been re-engaged in the current hot season while junior persons have been engaged by the respondents.

4. The respondents have contested the claim by filing counter reply and stated that the post of Seasonal Waterman is a temporary post on which regular appointment or absorption of an individual is made after due sanction of competent authority. It is further stated that no junior to the applicant had been engaged or regularised as Sesaonal Waterman in the Commercial Department. The persons whose names have been mentioned in the

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Rejoinder affidavit and are alleged to be junior to the applicant belong to a different department i.e. Carriage, Wagon, Electrical Khalasi and under Diesel shed and being different units and have nothing to do with the Commercial Department/Unit. It is claimed that the persons have been appointed after due approval of General Manager in the respective units which constitutes altogether a different cadre.

5. As regards the applicant it has also been added that the name of the applicant is duly mentioned at serial No. 594 in the seniority list of the Seasonal Watermen, and maintained by the Commercial Department of Railway Administration and has been prepared as per standing instructions. Copy whereof is annexed as Annexure S.C.A-1.

6. We have heard the arguments of both the counsels and perused the pleadings.

7. Since in the present case there is no dispute that the name of the applicant is duly entered at serial No. 594 in seniority list of casual watermen prepared for Commercial Department of the respondents. Under these circumstances we find it proper to issue the following direction to the respondents.

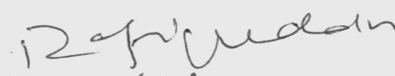
- (1) The respondents are directed to engage in his the applicant as casual labour initially/turn and later on regularise him on the vacancy from the date any person junior to him, has been engaged.
- (2) The applicant be informed as to how many

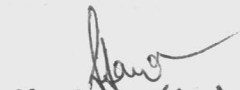
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persons in the list of seasonal watermen maintained by Commercial Department had been engaged till now with their serial number in the list.

This will be done within three months from the date of communication of this order. The O.A. is disposed of accordingly. No order as to costs.


Member (J.)


Member (A.)

Nafees.