

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

A L L A H A B A D

Dated : Allahabad this the 2nd day of November 1995

QUORUM : Hon'ble Mr. S. Das Gupta, A.

Hon'bl Mr. T.L. Verma, J.

I. Original Application No. 963 of 1992.

1. Bhagirathi son of Shri Hoob Lal
Resident of Village Bhairavpur Jigna,
District-Allahabad.
2. Jang Bahadur, son of Shri Rajbali,
Resident of Village Jarela
Post-Nauratha District-Mirzapur.
3. Gulab Chand son of Shri Ram Vishal
Resident of Village Makri Bagh
Post Kanwar, District-Allahabad.
4. Ram Das Maurya son of Shri Ram Payre Maurya,
Resident of Village Kakri Bagh, Post Kanwar,
District Allahabad.
5. Bhola Nath son of Shri Bhai Lal
Resident of Village Sakhalani
Post Kasiyapur, Tehsil Chail
Distt-Allahabad.
6. Ramesh Chandra son of Shri Lalji Yadav,
Resident of Purana Katra Durga Mai Ki Gali,
House No.616, Allahabad
7. Shyam Lal son of Shri Ram Jag,
Resident of Muran Ka Pura,
Post-Visda Jigna District Mirzapur.
8. Ram Sajiwan, son of Shri Rajmani
Resident of Village Jarela
Post-Jigna District-Mirzapur.
9. Shyam Lal (I) son of Shri Kadedin,
Resident of Village Chitemau, Post-Mahreda,
District-Allahabad
10. Ramai Prasad, son of Shri Ram Nath,
Resident of Village Chitemau,
Post-Mehreda District-Allahabad.
11. Avinash Kumar Tiwari, son of Shri
Radhey Shyam Tiwari
Resident of Village Barra Post-Sultanpur,
District-Allahabad.
12. Rajendra Kumar Srivastava, son of Shri Kripa
Shanker Srivastava,
Resident of 66-D/1-A, Ramnagar Naini,
District-Allahabad

sl

13. Bhaiya Lal son of Shri Jaggu Prasad
Resident of Village Singhpur
Post-Chail, District-Allahabad.
 14. Ram Adhar son of Shri Ram Lal
Resident of Village Bakshi Ka Pura
Post-Sarkardaha, Tehsil Kunda,
District-Pratapgarh.
 15. Ram Vishal son of Shri Prabhu Ram,
Resident of Village Babatara,
Post-Charwa, District-Allahabad.
 16. Gyan Singh son of Sri Bachau Ram
Resident of Pipri Post-Charwa,
District-Allahabad.
 17. Mohammad Ashfaq son of Shri Mohd. Karim
Resident of 104, Chakiya, District-Allahabad.
 18. Lalta Prasad son of Shri Bhadaai Lal
Resident of Village Magdooampur Kazi
Post-Kokhraj District-Allahabad.
 19. Krisan Murari Singh, son of Shiv Shanker
Singh, Resident of 6/6, Alopibagh, District-Allahabad.
 20. Ram Khilewan son of Shri Mahabir
Resident of Village Bhaila Makdooampur
District-Allahabad.
 21. Jawahar Lal son of Shri Raja Ram
Resident of 95/4K-C, Chak Niratul
District-Allahabad.
 22. Arun Deo Pandey son of Shri Keshav Pandey,
Resident of Railway Canteen, Stateion Road,
Chuna, District-Mirzapur.
 23. Krishan Kumar Kushwaha son of Shri Munni Lal,
Resident of 792-B, Railway Colony, Ghanshyam
Nagar, District-Allahabad.
 24. Laloo Prasad son of Shri Ram Murti,
Resident of Village Girdharpur.
 25. Ram Chandra son of Shri Sunder
Resident of Village Chimi,
District-Fatehpur.
 26. Ram Lakhan son of Shri Beni Prasad,
Resident of Sayed Sarawan, District-Allahabad.
 27. Baijnath son of Shri Raghunath
Resident of Village Dariyamau
Post-Bairampur District-Allahabad.
 28. Radhey Kishan son of Shri Ram Nath
Resident of Village Birahimbad Post-Muratganj,
District-Allahabad.
- 29

29. Ram Chandra son of Shri Moti Lal
Resident of Village Girdharpur
Post-Holagarh District-Allahabad.
30. Dharampal son of Shri Masuriya Din,
Resident of Village and Post Ahmedpur Pawan,
District-Allahabad.
31. Kamal Narain son of Shri Ram Deo
Resident of Village Kalma Post-Balwan,
District-Mirzapur.

(By Advocate Sri Satya Vijai)

. Applicants)

Versus

1. Union of India, through General Manager,
Northern Railway, Rail Bhawan, Baroda, House,
New Delhi.
2. Divisional Railway Manager, Northern Railway,
D.R.M. Office, Nawab Yusuf Road, Allahabad
3. Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Office, Nawab Yusuf,
Road, Allahabad.
4. Senior Divisional Commercial Superintendent
D.R.M. Office, Nawab Yusuf Road, Allahabad.

(By Sri Advocate Sri S.N. Gaur)

. Respondents

C O N N E C T E D W I T H

II. Original Application No. 964 of 1922

1. Ram Saran son of Shri Mankoo Lal,
Resident of Village-Dihawa, Post
Lokipur, District-Allahabad.
2. Daya Ram Maurya son of Shri Matapher Maurya,
Resident of Village Khanapur, Post Durgapur,
District-Sultanpur.
3. Ram Payre son of Shri Mahangoo
Resident of Village Kurasar Post
Ahrampur District-Allahabad.
4. Gomti Prasad son of Shri Ram Palat Yadav,
Resident of Khanapur Post-Durgapur
District-Sultanpur.
5. Hukum Singh son of Jagdeo Prasad
Resident of Village Kadapur Sayed Sarawana
District Allahabad.

56

6. Ram Lakhan Yadav son of Shri Mehi Lal
Resident of Village Malak Chaturi,
Post-Shiv Garh, District-Allahabad.
7. Rajpat son of Shri Deosaran
Resident of Village Baraha Kalan
Post-Bharari District-Allahabad.
8. Mahesh Kumar son of Shri Manko
Resident of Village Vajitpur,
Post-Mahraoda District-Allahabad.
9. Hori Lal son of Shri Ram Manohar
Resident of Village Basawanpur
Post-Bamrauhli District-Allahabad.
10. Shobh Nah son of Shri Jawahar Lal
Resident of Village Lachan Chokata
Post-Bharari District-Allahabad.
11. Dan Singh son of Mahabir Prasad
Resident of House No.105-A, Colony No.2,
Subedarganj, Allahabad.
12. Fazal Karim son of Shri Mohd. Kadim
Resident of Village Chakiya
Post-G.P.O. House No.104/241,
District-Allahabad.
13. Mohan Lal son of Shri Sampat Lal
Resident of Village Magrohni Post-Manjhanpur
District-Allahabad.
14. Bhaiya Lal son of Shri Hazari Prasad,
Resident of Village Nandbai, Sujatpur,
District -Allahabad.
15. Shree Nath son of Shri Mahipat
Resident of Village Tulsipur,
Tehsil Sirathu District-Allahabad.
16. Sampat son of Shri Matadin
Resident of Village Chamandha
Post-Bharwari District-Allahabad.
17. Brij Lal son of Shri Sahadeo
Resident of Village Nawari,
Post-Guwara Taimbaur District-Allahabad.

(By Advocate Sri Satya Vijai)

..... Applicants

Versus

1. Union of India, through
General Manager,
Northern Railway, Railw Bhawan,
Baroda House,
New Delhi
2. Divisional Railway Manager, Northern Railway
D.R.M. Officer, Nawab Yusuf Road, Allahabad.

Wle

3. Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Officer, Nawab Yusuf
Road, Allahabad.

(By Advocate Sri G.P. Agarwal)

. Respondents

C O N N E C T E D _ W I T H

III. Original Application No.1331 of 1992

1. Rama Shanker son of Shri Banshdhari
Resident of Village Charibina, Karchana,
District-Allahabad.
2. Jai Shanker son of Shri Mansha Ram,
Resident of Village Mukulpur,
Post-Shikhta, District-Mirzapur.
3. Durga Prasad son of Shri Ram DBahadur
Resident of Village Trilokpur Post-Sirathu,
District-Allahabad.
4. Bachhu Lal son of Shri Jagannath
Resident of Nai Basti Sarkari Roadways Ke Pieche
District-Mirzapur.
5. Satish Chand, son of Shri Ram Niwas Mishra
Resident of Village & Post Akrohi P.S. Vindhyachal
District-Mirzapur.

(By Advocate Sri Satya Vijai)

. Applicants

Versus

1. Union of India, through General Manager,
Northern Railway, Rail Bhawan, Baroad House,
New Delhi.
2. Divisional Railway Manager, Northern
Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.
3. Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Office, Nawab
Yusuf Road, Allahabad.
4. Senior Divisional Commercial Superintendent
D.R.M. Office, Nawab Yusuf Road,
Allahabad.

(By Advocate Sri D.C. Saxena)

. Respondents

ole

C O N N E C T E D W I T H

IV. Original Application O.1336 of 1992

1. Babban Singh son of Shri Ram Nagina Singh
Resident of Up Mai Colony No.702C, Mughalsarai
Junction,
District Varanasi.
2. Chottey Lal son of Shri Mathura Yadav
Resident of Nasirpur Pattan Post-Mughalsarai
Junction, District-Varanasi.
3. Basant Lal son of Shri Jokhan
Resident of Khidudha, Suphauna, District-Mirzapur.
4. Hira Singh son of Shri Ram Nagina Singh
Resident of Up Mai Colony No.702-C,
Mughalsarai Junction, District-Varanasi.
5. Shambhu Paswan son of Shri Batoran Paswan
Resident of 701-B, Mughalsarai, Distt-Varanasi.
6. RamAshish son of Shri Munnan
Resident of Banauli Khurd Tehsil Chandauli
Post-Chandauli District-Varanasi.
7. Tara Chand son of Shri Ram Nihore
Resident of Village Koylari Post-Manjhanpur
(Bharatgan) Manda Road, Distt-Allahabad.
8. Indra Pal son of Shri Jagannath,
Resident of Bada Gaon, Post Prempur(Maharajpur)
District-Kanpur.

(By Advocate Sri Satya Vijai)

. Applicants

Versus

1. Union of India, through General Manager
Northern Railway, Rail Bhawan, Barada House,
New Delhi.
2. Divisional Railway Manager, Northern
Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.
3. Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Commercial Superintendent
D.R.M. Office, Nawab Yusuf Road, Allahabad.

(By Advocate Sri D.C. Saxena)

. Respondents

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

All these four Original Applications have been filed by seasonal watermen seeking the relief of a direction to the Respondents to consider their names for regular absorption and for their re-engagement on the post which they were holding.

2. All the Applicants have been working as watermen from time to time for a considerable period of time. They have annexed copies of their working certificates in support of their contention. It is their grievance that after their ^{dis}re-engagement in 1981, they have not been re-engaged. It is also their grievance that despite having put in a long period of service as casual watermen they have not yet been considered for regularisation while several other juniors have been so regularised.

3. Counter replies have been filed in all the four Original Applications. While in all the counter replies except that in the O.A. No.964/92, the fact averred in the O.A. as regards actual number of days working has been admitted, in the counter reply to the O.A. No.964/92, the stand has been taken that the working certificates annexed to the O.A. are fake and have not been issued by the competent authority. This is, however, ^{no}against specific denial of the contention regarding the number of days the Applicants have worked. Moreover, in this counter reply as in the other counter replies, the Respondents have stated that the Applicants are borne on the computerised live casual labour register and all of them will be considered for regularisation on the basis of their length of service and seniority. In view of the specific admission, the contention made

W.C.

in the counter reply in O.A. No.964/1992 that the copies of the working certificates are fake, does not appear to be consistent with the stand taken elsewhere in the counter reply. We, therefore, ignore this contention and accept the admission by the Respondents that ^{the applicants} in this O.A. also ~~they~~ are on the computoursied casual labourers register and they were also to be considered in their own turn ^{for} regularisation. The Applicants in all the four O.A.s have also filed rejoinder affidavit in which they have mainly reaffirmed the contention in the O.As.

4. We have heard the Learned Counsels for the parties and have perused the records.

5. The facts are not in dispute. The applicants have been working for quite some time as casual watermen. The Respondents have admitted that they are already borne on the live casual register and they would be considered for regularisation in their own ^{terms} ~~terms~~. The applicants, however, have contended that several juniors have been regularised. They have, however, not given any details as to how such persons are junior to them. On the other hand, the Respondents have also not effectively rebutted this contention in their counter replies. This being a disputed question of fact, we cannot adjudicate the matter on insufficient data.

W.C.

6. In view of the foregoing we dispose of these applications with the following directions to the respondents.

- (i) All the applicants shall be considered for regularisation in their own turn and in case any of the juniors has been so regularised, the applicants who were senior and are considered fit for regularisation shall be considered to have been regularised from the dates of regularisation of such juniors.
- (ii) Meanwhile they shall be considered for re-engagement as casual watermen in preference to their juniors.

7. There shall be no order as to costs.

J. M. M.
Member (J)

W. S.
Member (A)

RBD/