

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 5th day of September, 2003.

QUORUM : HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.

HON. MR. D. R. TIWARI, A.M.

O.A. No. 866 of 1995

1. Surendra Singh S/O Sri Gauri Shanker Yadav R/O Shastri Nagar, Ghatampur, Kanpur Dehat.
2. Ranjit Singh S/O Sita Ram R/O Village Sardey Gopalpur, Ghatampur, district Kanpur Dehat.
3. Kalloo S/O Raghoo R/O Village Bharwa Sumerpur, Ward Imelia, District Hamirpur.
4. Raghunath S/O Sadai Prasad R/O Village Bhatpurwa Post Office Samohi, District Kanpur Dehat.

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..... Applicants.

Counsel for applicants : Sri S. Mandhyan.

Versus

1. Union of India through Ministry of Railways, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Central Railway, Jhansi.
3. Senior D.C.S., Central Railway, Jhansi.

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..... Respondents.

Counsel for respondents : Sri A.K. Gaur.

ORDER (ORAL)

BY HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, applicants have prayed for a direction to respondents for their regularisation in service from the date their juniors have been regularised with all consequential benefits. It has also been prayed that the respondents be directed to ^{take them} in service on the requisite posts and they may be allowed to continue. The facts, stated by each of the applicant for the above relief, are being mentioned below :-

- (1) Applicant No.1 was appointed as Parcel Porter-cum-Safaiwala on 17.7.76. He continued upto 30.6.77 and then



from 1.7.77 to 31.7.77 as Hot Weather waterman. He was again appointed on 1.4.83. The applicant was given temporary status on 2.4.88.

(ii) Applicant No.2 was engaged as casual gangman on 3.2.78. He worked upto 18.12.80. He was again engaged as Khalasi from 1.12.83 to 28.12.83 and from 22.3.84 to 28.7.85 as hot weather waterman. He was again appointed on 10.7.86. He was conferred temporary status on 21.4.86.

(iii) Applicant No.3 was appointed as casual Khalasi on 18.3.78. He worked upto 18.4.79. Thereafter he was again engaged on 19.6.83. He worked upto 18.1.84. On 16.5.85, he was engaged as hot weather waterman. He was conferred temporary status on 18.5.86.

(iv) Applicant No.4 was appointed on 1.4.82. He worked upto 30.7.82. He was again engaged from 1.4.87 as hot weather waterman. He was conferred temporary status w.e.f. 2.4.86.

2. The case of the applicants ^{is} ~~are~~ that all the applicants were continued upto 1992 with Respondent No.3, ^{who} without any order in writing in arbitrary manner ~~was~~ ^{terminated} against which ^{they} made several representations but no relief was granted hence they ^{have} approached this Tribunal. Counsel for applicant submitted that as admittedly applicants were granted temporary status, their engagement ^{could} ~~may~~ not be terminated without ^{an} order in writing and as there is no order in existence terminating their engagement, they are entitled for being taken in job. Learned counsel for the respondents has submitted that the post of Hot Weather waterman were abolished by Railway Board order dated 3.2.92 and consequently engagement of applicants were terminated. It is also submitted that the applicants are not entitled for relief.

3. We have carefully considered the submissions made by both the parties. However, in view of the admitted fact that applicants were granted temporary status, the legal

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position is that their engagement could not be terminated ^{by an order} except in writing which has not been done in the present case. This legal position is applicable to all the employees who are given temporary status.

4. Considering this aspect, in our opinion, applicants are entitled for relief. This O.A. is allowed with the direction to respondents to record name of the applicants in live casual register at the places where they are ^{according to} entitled to their seniority and they shall be considered for regularisation in job ^{in their turn} as their ~~turn~~.

No order as to costs.

Dda
A.M.

[Signature]
V.C.

Asthana/