

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 14th day of March, 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C

Orginal Application No. 1662 of 1999

1. Puranmasi S/o Sri Mata Din

R/o Vi^{di}l. & Post Tighara P.P.Gang, Gorakhpur.

2. Shri Krishna S/o Late Jugul Prasad,

R/o Madhaopur, Gorakhpur.

3. Hari Prasad S/o Sri Ram Dhani

R/o Vill⁺ Mathauli, Post P.P.Gang, Gorakhpur.

4. Razzak Khan S/o Sri Moharalli

R/o Zaffar Bazar, Gorakhpur

5. Aliyas S/o Sri Teni

R/o Mia Bazar, Gorakhpur

6. Bhagwati S/o Sri Buzharat

R/o Vill. & Post Badago, Gorakhpur

7. Basant Lal S/o Sri Ghoore Mallah

R/o Vill. Koodaghat, Girdhar Gang, Gorakhpur.

.....Applicants.

Counsel for the applicants:- Sri B. Tewari

V E R S U S

1. Union of Indis through the General Manager

N.E. Rly. Gorakhpur.

2. Basant Prasad, Manager, Printing & Stationary

N.E. Rly. Gorakhpur.

.....Respondents

Counsel for the respondents:- Sri K.P. Singh



O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Triwedi, V.C.)

The short question involved in this case is as to whether the seven applicants are entitled for first class passes from the railway. The relevant instructions with regard to revised pay limit for entitlement of passes ~~were~~ made applicable w.e.f 01.01.86, provided as under :-

"Such of the employees who entered railway service before 01.08.69 would be entitled to First Class Pass when their pay reaches Rs.1530/- provided the employees are in a scale of pay the maximum of which is Rs. 2040/- or above."

2. Applicants claimed that they were engaged as casual labourers in 1965 and they had already completed 180 days of working and acquired temporary status and they became entitled for all the facilities to which the permanent railway employee could be entitled. It is also submitted that once the temporary status is acquired, it continued during the entire service until absorption. Sri K.P. Singh, learned counsel for the respondents on the other hand has submitted that the applicants were granted temporary status w.e.f. 10.10.69 by order dt. 19.03.71. It is also submitted that the services rendered as casual labourers was in ~~broken~~ ^{in broken} spells and on basis of same the applicants could not acquire temporary status.

3. From the submissions made on behalf of counsel for the parties the controversy appears to be whether the applicants could acquire temporary status on the basis of services rendered ~~by broken~~ ^{in broken} spells during 1965 to 1968. Alongwith counter affidavit documents have been filed, which shows that all the applicants had worked during 1965 to 1968 though in different spells and the period of service rendered was for the period

more than 180 days. Thus the legal position ~~is~~ to be seen whether temporary status could be acquired by the casual labourers by completing 180 days in different spells. Hon'ble Supreme Court in case of Ram Kumar & others Vs. U.O.I & Ors. A.I.R 1988 (SC) 390 in para 6 has held as under :-

" Admittedly the petitioners have put in more than 360 days of service. Though counsel for the petitioners had pointed out that the Administration was requiring continuous service for purpose of eligibility, learned Additional Solicitor General on instructions obtained from the Railway Officers present in court during arguments has clarified that continuity is not insisted upon and though there is break in such continuity the previous service is also taken in to account. Learned Additional Solocitor General has made a categorical statement before us that once temporary status is acquired, casual employees of both categories stand at par. "

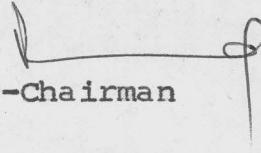
^{" before "}
Thus ~~the~~ Hon'ble Supreme Court it was ~~ordered~~ ^{stated}
^{" Conceded "} ~~specificaly and considered by the Railway for~~ ^{" That "}
continuity of service is not required for the purposes of acquiring the temporary status. Similar view has been reiterated in the case of U.O.I & Ors. Vs. Basant Lal and Others (1992) 2 SCC 679.

4. In my openion in view of the aforesaid legal position, as the applicants had already acquired the temporary status before 10.04.69 when they were appointed as substitute Khalasi, their temporary status could not be affected. The eligibility declared on 19.03.71 that applicants who have acquired temporary status from 10.10.69 can also not affected ^{their} status already acquired on the basis of services rendered during 1965 to 1968. As all the applicants had already acquired temporary status, they were legally

entitled for the same facilities as given to the permanent employees of the Railway and by virtue of their pay scale and salary paid at the relevant time they became entitled for First Class Passes.

5. For the reasons stated above this O.A is directed allowed and the respondents are/to grant the First Class Pass to the applicants and treat them entitled for the same ^{as on relevant time}

6. There will be no order as to costs.


Vice-Chairman

/Anand/