

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.174 of 2003.

Wednesday, this the 1st day of September, 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.

1. Chauthi Prasad son of Chhotaku
resident of Village Sihapar,
Post Office Sahjanwa, Distt. Gorakhpur.
2. Rajman son of Sri Sundar, resident of
Village Sihapar, Post Office Sa janwa,
District Gorakhpur.
3. Ramji Prasad son of Shri Ghurahu,
resident of Village Sihapar, Post
office Sahjanwa, District Gorakhpur.
4. Puranwasi son of Sri Basdeo,
resident of Village Sihapar,
Post Office Sahjanwa, Distt.
Gorakhpur.
5. Ram Jiyawan son of Bansraj,
resident of Village Sihapar,
Post Sahjanwa, District Gorakhpur.
6. Ram Bachan, son of Bhuwal,
resident of Village Mahuwapar,
Post Bhati Rawat, Distt. Gorakhpur.
7. Dashrath Son of Shri Baijoo,
resident of Village Bhati Rawat
Post Office Bhati Rawat, Distt.
Gorakhpur.
8. Pardeshi son of Nepal,
resident of village Kuwawal Khurd,
Post Office Bhati Rawat, Distt. Gorakhpur.
9. Lalit Mohan Singh, son of Ram Niwas
Singh resident of village and Post
Office Keshwapur, Distt. Gonda.
10. Ram Briksh S/o Brij Lal,
R/o Vill Mahuwapur, Post Bhati Rawat,
Distt. Gorakhpur.
11. Girja Shanker Gupta, S/o Sri Bhagwati Prasad,
R/o village and Post Office Ghiti Rawat,
Distt. Gorakhpur.
12. Hari Shanker Prasad, S/o Sri Bhagwati Prasad,
R/o Village Bhati Rawat, Post Office Bhati Rawat,
Distt. Gorakhpur.
13. Bansh Gopal, S/o Sri Teerath,
R/o Vill Chakla Doyam, Post Shiv Pur Colony,
Distt. Gorakhpur.
14. Ramjas, S/o Dularey, R/o Village Chauk Mafi,

2.

Post Office Badhya Chauk, Gorakhpur.

15. Ram Pratap Maurya, S/o Sri Muneshwar Maurya, R/o Vill Pipari, Post Office Baghagada, Distt. Gorakhpur.
16. Tunni S/o Sri Nohar, R/o Village Chakra Doharia, Distt. Gorakhpur.
17. Rajendra, S/o Sri Mahabir, R/o Vill Dhuriyapar, Post Office Bhati Rawat, Distt. Gorakhpur.
18. Kodai, S/o Lakh Raj, R/o vill Bargadhi, P.O. Gulaharia Distt. Gorakhpur.
19. Ram Briksh, S/o Daya Ram, R/o Vill Hari Sewakpur no. 2, P.O. Chargawan, Distt. Gorakhpur.
20. Ganesh, S/o Sri Baldeo, R/o Titapar, P.O. Bhati Rawat, Distt. Gorakhpur.
21. Ramayan, S/o Sri Bhuwar, R/o Vill Mahuapar, Post Bhati Rawat, Distt. Gorakhpur.

.... Applicants

By Adv : Sri V.B. Khare
Sri A.K. Shukla

V E R S U S

1. Union of India through the General Manager, N.E. Rly., Gorakhpur.
2. The General Manager, N.E. Rly., Gorakhpur.
3. The Deputy Chief Engineer, N.E. Rly., Gorakhpur Region, Gorakhpur.
4. The Deputy Chief Engineer (Construction) (East), N.E. Rly., Gorakhpur.
5. The Mukhya Karmik Adhikari, N.E. Rly., Gorakhpur.
6. The Divisional Railway Manager, N.E. Rly., Lucknow.

... Respondents

By Adv : Sri K.P. Singh

O R D E R

Hon'ble Mr. Justice S.R. Singh, VC.

The applicant and 15 others² instituted the OA no. 287 of 2000, Ram Das and others Vs. Union of India & others


....2/-

3.

through General Manager, N.E. Rly., Gorakhpur for issuance of direction to the respondents to entertain their papers for being enlisted in the Live Casual Labour Register (LCLR) in response to the advertisement dated 27.10.1999. The respondents have admitted the claim of 15 out of 36

applicants of the said OA and in respect of the remaining applicants, who have instituted the present OA, the Tribunal directed them to make representation before the Dy Chief Engineer (Construction), N.E. Rly., Gorakhpur, which the later would consider and decide the representation by a reasoned order. Pursuant to the direction given by this Tribunal the applicants preferred representations, which has been rejected by means of identical separate order dated 24.6.2001/3.8.2001. Copy of which in respect of one of the applicants has been annexed as annexure A1.

2. A perusal of the impugned order would indicate that applicants claim for being enlisted in the LCLR has been rejected on the ground that the advertisement in question was in respect of former casual labours of Broad Gage/ Construction Division and not in respect of former casual labours of Open Line. It has been submitted by the applicants that 15 casual labours whose claim was admitted in the earlier OA similarly circumstanced and that they too belonged to Open Line and, therefore, the respondents were not justified in denying the claim of the applicants for being enlisted in the LCLR merely because they belong to Open Line. The learned counsel also argued that Hon'ble Supreme Court in case of Indra Pal Yadav & Ors Vs. Union of India & Ors has not make any distinction between casual labours of Broad Gage and those of Open Line.



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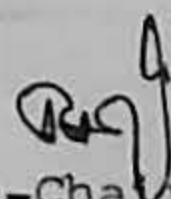
4.

3. The learned counsel for the respondents Sri K.P. Singh on the other hand submitted that the advertisement dated 27.10.1999 was not applicable to the applicants. Further, it was only for up dating the LCLR in respect of casual labours of Broad Gage.

4. Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case and also averments made in paras 21 and 22 of the OA that 15 out of 36 applicants of the earlier OA whose claim was admitted by the respondents were similarly cricumstanced has not been disputed by the respondents the matters requires to be reconsidered by the Competent Authority. In case 15 applicants whose claim was admitted by the respondents in the earlier OA also belonged to Open Line, there will be no justification for the respondents to discriminate the applicants from 15 Ex-casual labours.

5. Accordingly, the OA succeeds and is allowed in part. The order dated 24.6.2001/3.8.2001 is quashed. The Competent Authority is directed to pass a fresh order after self-direction to the pleas raised by the applicants and the order passed by the Hon'ble Supreme Court in case of Indra Pal Yadav & Ors (Supra) and also the fact that the claim of similarly circumstanced 15 out of 36 applicants of the earlier OA was admitted by the respondents.

6. There shall be no order as to costs.


Vice-Chairman

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