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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.672/2006

TUESDAY, THIS THE 29th DAY OF AUGUST, 2006

HON'BLE MR. A.K. SINGH ... MEMBER (A)

1. Jang Bahadur, S/o Shri Bhagwan Das,
R/o Nadipaar Tal. Jodha Singh Ka Bara,
Naveen Convent School Ke Samne Wala Gali,
Murar, Gwalior (M.P.).
2. Sahjad Ali, S/o Shri Nawab Ali,
R/o House No.225 Satipur, Masjid Murar,
Gwalior (M.P.).
3. Laxmi Narayan, S/o Tulsi Ram,
R/o Loha Mandi, Sewa Nagar,
New Tulsi Bijar, District Gwalior.
4. Raju, S/o Kamla Prasad,
R/o Aara Mill, Kohli Samaj Daftar Ke Pass,
Post Office Birla Nagar, Gwalior, (M.P.).

Applicants

(By Advocate Smt. A. Basheer)

Vs.

1. Union of India, through General Manager,
North Central Railway, H.Q., Allahabad.
2. Dy. Railway Manager (Personal),
North Central Railway, Jhansi.
3. Station Superintendent,
North Central Railway, Gwalior.
4. Assistant Divisional Mechanical Engineer,
Gwalior, Central Railway, Jhansi.
5. Regional Superintendent,
Gwalior Choti Line,
Central Railway, Gola Ka Mandir,
Gwalior (M.P.).

Respondents

(By Advocate Shri P.N. Rai,
Senior Standing Counsel for Railways)

ORDER

Heard Smt. A. Basheer, the learned counsel for the applicants and Shri

P.N. Rai, the learned Senior Standing Counsel for Railways.

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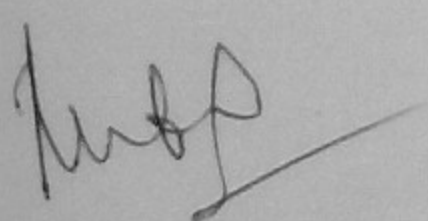
2. The applicants in this case, viz., Jang Bahadur, Sahjad Ali, Laxmi Narayan and Raju, of the addresses given in the O.A. have completed more than 120 days as Casual employees and have also been accorded temporary status. Applicant No.1 Jang Bahadur has put in 798 days, Sahjad Ali 528 days, Laxmi Narayan 444 days and Raju 454 days. Since, they have already been accorded temporary status, they were entitled for regularization under a special scheme devised for the purpose. The applicants also passed the medical test for the purpose. To their surprise, however, they were not regularized. Instead, their juniors viz., Ramesh Singh, Son of Kamal Singh and others, who were engaged later than the applicants were regularized. The applicants made representations to the competent authority for reconsideration of their case. The pleas made were turned to deaf ears.

3. I have considered the submissions of the learned counsel for the applicants in support of the case of her clients. Provisions of Para 179 (xiii) are quite clear on the subject.

The relevant portion of Para 179 (xiii) reads as under:

"179 (xiii) *Casual Labour, Substitutes and Temporary hands:-* (a) Substitutes, casual and temporary workmen will have prior claim over others to permanent recruitment. The percentage of reservation for Scheduled Castes and Scheduled Tribes should be observed in recruitment to temporary or permanent vacancies.

(b) Substitutes, casual and temporary workmen who acquire temporary status as a result of having worked on other than projects for more 120 days and for 360 days on projects other than casual labour with more than 120 days or 360 days service, as the case may be should be considered for regular employment without having to go through Employment Exchanges. Such of the workmen as join service before attaining the age of 25 years may be allowed relaxation of maximum age limit prescribed for Group 'D' posts to the extent of their total service, which may be either continuous or broken periods."

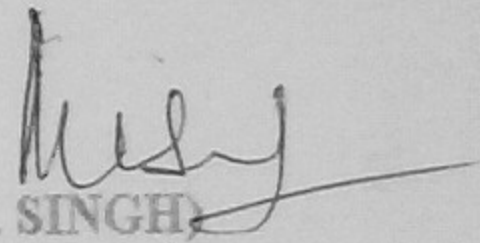


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4. In view of the clear provisions of law, there was absolutely no reason for the respondents to have regularized the services of junior workmen over and above the applicant in the O.A. Whatever has been done is certainly not in accordance with Law as referred to above.

5. Since the learned counsel prays for direction to respondents to decide the representation of her clients which is pending before them for consideration, within a reasonable time frame, I feel that a suitable direction to that effect can be issued to the respondents in this regard.

6. Accordingly, the respondents are hereby directed to decide the representations of the applicant in accordance with para 179 (xiii) of the Indian Railway Establishment Manual and other Rules governing the subject treating this O.A. itself as a representation from the applicants within a period of three months from the date of receipt of a certified copy of the order and in accordance with law.


(A.K. SINGH)
MEMBER(A)

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