

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 129 OF 1988
~~Tex-Nox~~

DATE OF DECISION 16.12.1997

Sanatsingh S. Baraia Petitioner

Mr. Y.V. Shah, Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde, Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, vice Chairman.

The Hon'ble Mr. T.N. Bhat, Judicial Member

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ? ~
2. To be referred to the Reporter or not ? ~
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? ~

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Sanatsingh S. Baraiya
M.B.
C/o. I.O.W.(C)/Vatva
At Dhamnod,
Ta. Sahera,
Dist: Panchmahal.

..... Applicant.

(Advocate: Mr. Y.V. Shah)

versus

1. Union of India
through the General Manager,
Western Railway,
Churchgate, Bombay-20.

2. Chief Engineer (C)
Western Railway,
2nd floor, Station bldg.,
Ahmedabad - 2.

3. Shri N.T. Rana or his
successor in the office,
Executive Engineer (C) II,
Western Railway,
Ahmedabad - 2.

..... Respondents

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 129/1988

Date: 16.12.1997.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

Heard Mr. Y.V. Shah for the applicant and
Mr. N.S. Shevde for the respondents.

2. The applicant, who was working as casual labourer in the Railways, has challenged the action of the Department, terminating the services on the ground that he was surplus. He has also sought for consequential benefits.

3. We had heard this matter on a number of occasions. The respondents initially took the line

that the applicant had approached the Tribunal very late and he has not acquired any temporary status and he was not eligible for any of the reliefs sought for. Subsequently the respondents had filed an additional written statement from the Deputy Chief Engineer, Ahmedabad, where they have brought out that the applicant had been engaged as project casual labourer in different spells namely;

- (1) From 3.7.80 to 21.9.80
- (2) From 27.10.80 to 5.7.81
- (3) From 4.9.81 to 20.5.83

4. It is clear from the above statement that the applicant had been engaged in service as project casual labourer ^{as on 1.1.81} ~~as on 1.1.81~~ and he had worked for 185 days also in that spell. Subsequently from September 1981 to May 1983 he had worked continuously for 624 days. The Railways are expected to regulate the claims of such project casual labourers in terms of the scheme prepared in compliance to the direction of the Supreme Court in Inderpal Yadav's case. Mr. Shevde for the respondents tells us that persons who had put in similar length of service had got the benefit of regularisation. The applicant, however was not given the same benefit on the ground that when a notice was given some time in 1987 the applicant had not taken steps in time. Mr. Y.V. Shah contends that it was obligatory on the part of the respondents to ensure that such intimation was sent by Registered A.D. and effective steps in this regard ought to have been taken,
and his was no fault

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5. After considering the submission of both counsel and on the basis of materials on record, we hold that this is a fit case for directing the respondents to reinstate the applicant in service immediately and in any case within two weeks from the date of the receipt of a copy of this order. The Railway Administration should also proceed to screen him as per the normal practice. If he is found fit his name will be interpolated in the relevant seniority list of Baroda Division and he should be regularised in service. While doing so, they will keep in view the position of his immediate juniors who had got the benefit and the deemed date of regular absorption shall be the date on which such immediate junior^s was regularised. As regards the financial benefits if he is regularly absorbed, his pay now should be notionally fixed in such a manner that it is at par with that of the immediate junior of the applicant. *We direct accordingly*

6. The Railway Administration shall carry out the direction pertaining to screening, regularisation and notional fixation of pay within three months from the date of receipt of a copy of the order.

7. With the above direction, O.A. is finally disposed of
No costs.


(T.N. Bhat)
Member (J)


(V. Ramakrishnan)
Vice Chairman