

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 447/89
T.A. No.

DATE OF DECISION 15.3.1995

W. Rly. Employees' Union and ors. Petitioner

Mr. Xavier

Advocate for the Petitioner(s)

Versus

Union of India and Ors.

Respondent

Mr. R.M. Vin

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel, Vice Chairman

The Hon'ble Mr. K. Ramamoorthy, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgement ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
- ND

Western Rly. Employees' Union
represented by its Branch
Secretary (1) Shri B M Purohit,
Satyanarayan Road,
Ramnagar,
Sabarmati

- (2) Rasik Bhikhabhai
- (3) Bachu Dunder

.. Applicants

Versus

- 1. The Union of India
owning and representing
W. Rly through
its Gen. Manager,
W. Rly. Churchgate,
Bombay.
- 2. The Divisional Rly. Manager,
W. Railway, Bhavnagar,
Bhavnagar para.
- 3. The Traffic Inspector,
W. Rly. Botad.
- 4. Shri Banvarilal K
- 5. Shri Bhagvat Sharan Sharma
- 6. Bharatkumar Bhagwanbhai
- 7. Bhimsen. R
- 8. Devji Bijal
- 9. Gavji Vale
- 10. Gulam Nabi. A.
- 11. Harji Shamji
- 12. Harshad Zaver
- 13. Kishore. K
- 14. Mahesh Manishanker
- 15. Manu Nanji

.. Respondents

Respondent No.4 to 15 all
C/o Division Rly. Manager
Divisional Office,
Bhavnagar Para.

Dt. 15.3.1995

O.A./447/1989

ORAL ORDER

Per: Hon'ble Mr. N.B. Patel, Vice Chairman.

Mr. Xavier, the learned advocate for the
applicants, brings to our notice a development
which has taken place during the pendency of this

OA. This development is that, by circular dated 27.4.1994, the DRM(E), Bhavnagar Para has published a list of ex-casual labours/substitutes to be included in the supplementary Live Register of the Division. He further states that the names of the 20 persons mentioned in Annexure-A1 to the application have not been included even in this supplementary Live Register though these persons are entitled to be placed on the said list. It appears that, by notification dated 3.1.94, persons who had anything to represent for inclusion of their names in the supplementary Live Register were required to submit their representation in the proforma enclosed with the circular dated 3.1.94. They were required to do so by 21.1.1994. It appears that the 20 persons mentioned in the Annexure- A1 to the application did not submit the proformae within the prescribed period as they were not aware of this notification. Mr. Xavier further states that the said 20 persons, i.e. the applicants, will be satisfied, at this stage, if they are given an opportunity to submit the proformae within a short period and, the respondents are directed to scrutinize their claims and to take decision in the matter of inclusion/non-inclusion of their names in the supplementary Live Register within a stipulated period. We direct the respondents that, if any of these 20 persons submit the proformae as required by the circular dated 3.1.1994 to the Chief Welfare Inspector, Bhavnagar Para within a period of 40 days from the date of the receipt of a copy

a copy of this order by Mr. Xavier on behalf of the applicants, the respondents shall scrutinize the claims of such applicants and take decision in the matter of inclusion or non-inclusion of their names in the supplementary Live Register within a period of 3 months from the date of receipt of the last proforma and communicate their decision to the applicants within a period of 15 days after the same is taken. If any of the applicants has any grievance in respect of the decision taken by the ~~grievances in respect of the decision~~ respondents, it will be open to him to take legal steps for redressal of the said grievance. Inclusion of the names of any of the applicants in the supplementary Live Register pursuant to the above directions will not affect the seniority position or engagement of those ex-casual labours who have been already engaged or reengaged prior to the inclusion of the names of any of the applicants.

In view of the above directions, Mr. Xavier seeks permission to withdraw the OA with liberty to such of the applicants as may feel aggrieved by the decision to be taken on the proforma submitted by them ^{to take legal steps in their behalf} to ~~take legal steps in their behalf~~ Permission granted with liberty as prayed for. OA stands disposed of accordingly.

(K. Ramamoorthy)
Member (A)

(N.B. Patel)
Vice Chairman