

Transfer  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

3

O.A. No. 505 OF 1989.

~~Ex. No.~~

DATE OF DECISION : 14th July, 1992.

Shri Baldev Shamji, Petitioner

Mr. B.B. Gogia, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

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 ? ✓

u

Shri Baldev Shamji,  
Hindu, Adult, Aged about 41 years,  
Occupation: Service,  
Seri No.14, Nr.Kotak Soda Centre,  
Popat Para,  
Rajkot.

..... Applicant.

(Advocate: Mr. B.B.Gogia)

Versus.

1) Union of India,  
through: General Manager,  
Western Railway,  
Churchgate, Bombay-400 020.

2) Dy.Chief Engineer(Construction),  
VOP Project,  
2nd Floor, BG Station Building,  
Western Railway,  
Ahmedabad - 380 002.

3) Divisional Railway Manager,  
Western Railway,  
Rajkot.

..... Respondents.

(Advocate: Mr. B.R.Kyada)

ORAL ORDER

O.A.No. 505 OF 1989

Date: 14th July, 1992.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The applicant, Baldev Shamji, was working as a casual carpenter on the construction side when, by the Annexure A-2 order dated 27.6.1989 of the Executive Engineer (Construction), Western Railway, Jamnagar, he was appointed as Carpenter against 40% construction reserve posts and posted under PWI(C) Bhavnagar, subject to certain conditions mentioned therein. Subsequently, by the Annexure A-3 proceedings dated 17.8.1989 of the PWI(C) Bhavnagar addressed to the Deputy Chief Engineer (Construction) at Chitorgarh, the applicant was relieved from Rajkot

posted to Chittorgarh  
and / in terms of memorandum dated 9.8.1989 of the  
Executive Engineer (Construction) Jamnagar referred  
to therein. While the applicant complied <sup>with</sup> Annexure  
A-3, relief order, he, at the same time, sent  
Annexure A-5 letter dated 25.2.1989 to the Assistant  
Engineer (Construction) Western Railway, Rajkot  
protesting against Annexure A-3 transfer order.

2. Being dissatisfied <sup>with</sup> this transfer he has  
come up to this Tribunal seeking the following  
reliefs:

- " (a) The respondents may please be directed  
to absorb the applicant as Carpenter-  
Artisan - on Rajkot Division in  
accordance with seniority list prepared  
by the Construction Organisation and sent  
to Rajkot Division and on basis of Scheme  
of Railway Board as approved by the  
honourable Supreme Court of India in  
Inderpal Yadav's case.
- (b) The orders vide Annexures A/1 and A/3 may  
kindly be quashed directing the respon-  
dents to post the applicant at Rajkot or  
at any place on the geographical jurisdic-  
tion of Rajkot Division."

3. The respondents have filed a reply  
contesting this application on many grounds.

4. When the matter came up today arguments of  
counsel for both side were heard. It was pointed out  
to the learned counsel for the applicant that, though  
he claims that there are six vacancies of carpenters  
in the Rajkot Division Open Line as mentioned by him  
in para 4.6 of his application and though <sup>he</sup> claims that

he was entitled to be absorbed against one of these post, he has not made any representation in this behalf and he has not even established his relative seniority for his absorption. The learned counsel for the respondents, however, contends that, even on merits, the applicant is not entitled to be absorbed against the vacancy, if any, of the post of carpenter in the open line in the Rajkot Division.

5. As it was felt to be better if a proper application is made and considered by the respondents, the learned counsel for the applicant sought permission to withdraw this application and <sup>or be</sup> given permission to file a detailed representation to the Divisional Railway Manager Rajkot, Respondent No.3, requesting him for a detailed consideration of his claims for absorption as a carpenter in the open line in the Rajkot Division.

6. In the circumstances while granting permission to the applicant to withdraw this application, we issue the following further directions:

- (1) The applicant may, within four weeks from the date of receipt of this order, prefer a detailed representation to the third respondent <sup>or</sup> taking his claim for absorption against the post of carpenter and if such a representation is received, the third respondent is directed to consider it in all aspects and dispose it of in accordance with law, within four months from the date of



receipt of such representation. In case the  
third respondent finds merit in the  
representation he may issue such orders in  
accordance with law as may be appropriate.

The application is disposed of as above. There  
will be no orders as to costs.

*R.C. Bhatt*

(R.C. Bhatt)  
Member (J)

*N.V. Krishnan*  
14.7.92

(N.V. Krishnan)  
Vice Chairman

vtc.

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

ORIGINAL APPLICATION NO: 505 /89

Baldev Shamji,  
Seri No.14, Nr.Kotak Soda Centre,  
Popat Para,  
Rajkot

:: APPLICANT

Versus

Union of India & others

:: RESPONDENTS

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Rajkot/Ahmedabad

Date: 19/9/89

બલદેવ શામજી  
(APPLICANT)

For use in Tribunals Office

Date of filing

or

Date of receipt by post

Registration No:

Signature  
for Registrar

Z

(9)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

ORIGINAL APPLICATION NO: 505 /89

Shri Baldev S hamji,  
Hindu, Adult, Aged about 41 years,  
Occupation: Service  
Seri No.14, Nr.Kotak Soda Centre,  
Popat Para,  
RAJKOT

:: APPLICANT

~~At present working~~ was working  
under PWI(C) RJT, Western Railway  
but present working under  
IOW(C) Chitorgarh

Versus

- 1) Union of India  
Through: General Manager,  
Western Railway,  
Churchgate,  
BOMBAY-400 020
2. Dy.Chief Engineer(Construction),  
VOP Project,  
2nd Floor, BG Station Building,  
Western Railway,  
AHMEDABAD - 380 002
3. Divisional Railway Manager,  
Western Railway,  
RAJKOT

:: RESPONDENTS

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made

- |                      |                                           |
|----------------------|-------------------------------------------|
| i) Order No:         | : 1) E/615/1/83(Project)                  |
|                      | : 2) PWI/C/E.840/1                        |
| ii) Date             | : 1) 12.1.1989                            |
|                      | : 2) 17.8.1989                            |
| iii) Passed by       | : 1) DRM(E)RJT                            |
|                      | : 2) PWI(C)BVP @ RAJKOT                   |
| iv) Subject in brief | : Advising Const.officials by DRM(E)RJT   |
|                      | : that vacancies did not exist to         |
|                      | : accommodate the personnel in the Const. |
|                      | : in the division in the event of their   |
|                      | : being ordered for transfer to Division  |
|                      | :                                         |
|                      | : Relieving the applicant on transfer     |
|                      | : to Dy.CE(S&C) KCP at COR.               |

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

### 3. Limitation

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunals Act, 1985.

### 4. Facts of the case

i) The applicant begs to submit that he was employed in Viramgam-Okha-Porbandar Conversion Project in the S&C Deptt. at Rajkot as Carpenter in the year 1979 or so. That his services were terminated w.e.f. 16.3.1982. Aggrieved by the same he had filed Reg. Civil Suit No. 264 of 1982 in the Civil Court, Rajkot. The said suit stood transferred to this honourable Tribunal as TA No. 1251 of 1986. The said matter was allowed on 15.4.1987 by judgement quashing the termination notice dated 6.3.1982 w.e.f. 16.3.1982 directing the respondents Railway Administration to reinstate the petitioner with back wages. In this way the applicant is continuously working as Carpenter since 1979 in Railways.

ii) The Railway Board had prepared a scheme in the year 1986 on the basis of Supreme Court judgement in Inderpal Yadav's case to absorb all casual labourers on Divisions by preparing their seniority list in relation to the Division. The absorption is also decided and directed to be done on scientific methods. Relevant extracts of the directions by Honourable Supreme Court of India reported in 1985(2) SLJ page 58 in WP Nos. 147, 320-69, 454, 4335-4434 of 1983 is as under:-

"3. The relevant portions of the scheme read as under:-

5.1 As a result of such deliberations, the Ministry of Railways have now decided in principle that casual labour employed on projects (also known as project casual labour) may be treated as temporary on completion of 360 days of continuous employment. The Ministry have decided further as under:-

a) These orders will cover:

i) Casual labours on projects who are in service as on 1.1.84 and

ii) Casual labour on projects, who though not in service on 1.1.1984 had been in service on Railways earlier and had already completed the above prescribed period (360 days) of continuous employment or will complete the said prescribed period of continuous employment on re-engagement in future."

Accordingly the construction organisation had furnished a list of Artisan staff but assigned seniority on Rajkot Division. A list of these artisan staff numbering 135 belonging to various categories was furnished to DRM Rajkot and the seniority of these casual labours was notified vide DRM(E)RJT's No. E/615/1/83(Project) dt. 25.9.1987. The applicant is neither supplied with copy of such list nor is informed of the same,

but has come to know of this seniority list from DRM(E)RJT's No.E/615/1/83(Project) dated 12.1.1989. Copy of the same is annexed herewith as Annexure A/1. The respondents are called upon to produce the seniority list of Artisan Staff and all other connecting papers as mentioned above. The honourable Tribunal is also requested to direct the respondents to produce the same.

iv) Though Rajkot Division is under obligation to absorb such artisan staff in accordance with the above referred scheme, it turned down the proposal and action of construction organisation as is evident from Annexure A/1.

v) Annexure A/1 shows total ~~number~~ number of artisan staff belonging various categories is 135. There are categories viz. Carpenter, Black Smiths, Masons etc. In Engineering Department of Railway on Open Line (Rajkot Division) is divided in its three wings, firstly Permanent Way Inspector, secondly Inspector of works and third Bridge Inspectors. Inspectors of all these 3 wings are having Artisan Staff. Every category viz. Carpenter or as the case may be in every such wing is a separate cadre.

vi) So far Carpenters (category with which applicant is concerned or is relevant) are very few in the list supplied by Construction organisation to Rajkot Division, which respondents are called upon to disclose. Against this, the posts of Carpenters vacant are as given below:

1) C&W Rajkot	03 Vacancies
2) PWI THAN	01 Vacancies
3) Engg. Deptt	02 Vacancies

vii) In Rajkot Division it is not difficult to absorb the applicant and other carpenters of construction organisation. The refusal of Rajkot Division to absorb such staff by Annexure A/1 is based upon wrong reasons. The ssaid decision A/1 is not bonafide. It is arbitrary and malafide with intention to keep away permanently such construction staff from being absorbed in open line in defiance with scheme of Railway Board and judgement of Honourable Supreme Court of India. If the respondents dispute with this, they may produce on oath the number of posts fallen vacant in the category of Carpenter from the date of issue of orders by the Railway Board after the delivery of the above judgement by the Hon'ble Supreme Court and give details of the posts of Carpenters filled .



ix) The applicant is ordered to be transferred and report to Dy.CE(S&C)KCP at Kota (Chitorgarh) in terms of PWI(C)Bhav-nagar Para at Rajkot's No.PWI/CE/840/1 dated 17.8.1989, which is annexed herewith as Annexure A/3. The said order is manifestly illegal and without jurisdiction. Casual labourers are not liable to be transferred in view of ~~para~~ rule No.2501 (a) Chapter XXV of Indian Railway Establishment Manual, which reads as under:-

Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest available source. It is not liable to transfer, and the conditions applicable to permanent and temporary staff do not apply to such ~~etc~~ labour."

This honourable Bench of CAT in O.A. No. <sup>2</sup>~~108~~ <sup>2</sup>1/1986 has also decided <sup>on 30-1-1987.</sup> that casual labourers transfers are without jurisdiction, for the reasons - grounds stated in the judgement. Copy of the judgement is annexed herewith as Annexure A/4. The present applicant also relies upon the same. The applicant was relieved w.e.f. 17.8.1989 i.e. immediately on the issue of A/4, he had no option but to carry out the same under protest. The applicant thus has carried out the transfer reserving his right to dispute the same in terms of his application dated 22.8.1989, copy of the same is annexed herewith as Annexure A/5. This application was received by AEN/C/RJT and PWI(C)RJT. The postal acknowledgements together with receipt are annexed herewith cumulatively as Annexure A/6

x) The applicant submits that he belongs to ST community and reservation is also available to him for posting in the Open Line. The respondents may kindly be ordered to produce details of postings done from ST communities as Carpenters on the Rajkot Division from the date of delivery of the judgement by the honourable Supreme Court/date of issue of instructions based on the judgement of the Supreme Court, by the Railway Board.

## 5. Grounds for relief with legal provisions

- i) The applicant has a right to be absorbed on Open Line (Rajkot Division) in accordance with the seniority list prepared by the Construction Deptt. and sent to Rajkot Division.
- ii) The applicant has a right to be absorbed in view of the scheme prepared by the Railway Board and as approved by the Supreme Court of India in Inderpal Yadav's case reported in

1982(2)SLJ Page 58 Supreme Court - WP Nos. 147,  
320-69, 454, 4335-4434 of 1983.

- iii) The applicant is not liable to be transferred as per Rule No.2501(a)Chapter XXV of Indian Railway Establishment Manual.

6. Details of the remedies exhausted.

The applicant begs to submit that he has no remedy available as per the statutory rules of the respondent deptt. except approaching this honourable Tribunal for the redressal of his grievances.

7. Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

✓ 8. Reliefs sought

- A) The respondents may please be directed to absorb the applicant as Carpenter - Artisan - on Rajkot Division in accordance with seniority list prepared by the Construction Organisation and sent to Rajkot Division and on basis of Scheme of Railway Board as approved by the honourable Supreme Court of India in Inderpal Yadav's case.
- B) The orders vide Annexures A /1 and A /3 may kindly be quashed directing the respondents to post the applicant at Rajkot or at any place on the geographical jurisdiction of Rajkot Division.
- C) Any other relief or reliefs as deemed just and proper in the circumstances of the case may also be granted.
- D) Cost of this petition be awarded to the applicant from the respondents.

9. Interim order, if any prayed for:

NIL

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card or Inland Letter, at which intimation regarding the date of hearing could be sent to him.

NOT APPLICABLE.

11. Particulars of Postal Order filed in respect of the Application fee.

- |                                     |                    |
|-------------------------------------|--------------------|
| 1) Number of Indian Postal Order(s) | : 227177           |
| 2) Name of the issuing Post Office  | : Machi Bazar P.O. |
| 3) Date of issue of Postal Order(s) | : 18-9-89          |
| 4) Post Office at which payable     | : A'bul            |

12. List of enclosures

- 1) Postal Order as per details in para 11.
- 2) Vakalatnama
- 3) Copies of annexures from A/1 to A/6

VERIFICATION

I, Baldev Shamji, son of late Shri Shamji aged about 41 years working as Carpenter under Dy. Chief Engineer(S&C) KCP - Chitorgarh, resident of Rajkot do hereby verify that the contents of paras from 1 to 3 and 6 to 12 are true to my personal knowledge and paras 4 to 5 believed to be true on legal advice and that I have not suppressed any material fact.

Rajkot/Ahmedabad

Date: 14/9/89

Baldev Shamji  
(APPLICANT)

Through: Shri B.B. Gogia  
Advocate,  
RAJKOT

Filed by Mr. B.B. Gogia ...  
Learned Advocate for Petitioners  
with second set & 3 ... 3 copies  
copies copy served/not served to  
other side

By Registrar C.A.T.U.  
A'bad Bench



Annex A-1

WESTERN RAILWAY

No.E/615/1/33(Project)

Divisional Office,  
Rajkot

Dt.JAN. 12, 1939

Dy.CE (West) ADI

Dy.CE (C) API ✓

Sub: Labour - Casual - Employment of - Casual  
labours engaged in VOP

The construction organisation has furnished a list of Artisan staff, but assigned seniority on Rajkot Division. A list of these artisan staff numbering 135 belonging to various categories as also a list of 14 semi-skilled Khallasies was furnished to this office and the seniority of these casual labours was notified vide this office number of even dated 25.9.1937.

On this division no vacancy exists to accommodate these artisan staff and semi-skilled khallasies. The avenue of promotion has also to be observed while filling up these vacancies. This division is not in a position to absorb any of these casual labours. It is therefore requested that none of the artisan staff or semi-skilled khallasies, whose seniority was notified on 25.9.1937 by this office, may be directed to this office for engagement. In case they become surplus on the construction organisation, their services may kindly be discontinued on the basis of seniority list notified on 25.9.1937 after following the provisions of I.D.Act.

*S. S. Chakravarty*  
DRM (E) RAJKOT 12/1/39

c.c.to:

AEN SBI(MG)

AEN JPH

AEN SUNR

AEN (I) & (II) RJT

AEN JAA

for information and necessary  
action.

True Copy

*Advocate*  
Advocate

Annex A-2  
No. 4 AM/2.848/L.

MEMORANDUM.

Office of the Executive  
Engineer (Construction),  
Western Railway, Jamnagar.  
Dtd 27/06/1989.

SUB:- Posting of artisan staff against 40% construction Reserve post - Survey and construction Department.

REF:- Dy. CE (C) W. ADI's No. E.891/4/ADI(L) dated. 05/12/1988.  
This office Memo. No. of even. dated. 19-6-1989.

---

In supersession to this office memorandum under reference, Shri Baldev Shamji carpenter T.S. scale Rs.950-1500(RP) working on this unit is appointed as carpenter scale Rs.950-1500(RP) against 40% construction Reserve post of carpenter and posted under PWI (C) Bhavnagar.

This orders are subject to the following conditions:-

1. This is a floating post and he can be transferred any where in Survey and construction Department.
2. His appointment will be purely temporary and liable to be terminated immediately without any notice.
3. His appointment is subject to production of birth evidence and Cast evidence (SC/ST).
4. His appointment against construction reserve posts is purely on provisional basis and will not confer upon him any right to be permanently absorbed against this post. This will also not mean that he is on approved panel of the screened casual labourers.
5. He is requested to withdraw the special civil application if filed by you in the court of Gujarat/Central Administrative tribunal, Ahmedabad against retrenchment/shifting as casual labour as he is being appointed now as carpenter, he is on construction Reserve post and court's orders submitted to this office.
6. He will have to certify that he is not having more than one wife.
7. In case he is on the panel for absorption of Class.IV staff or any other category of open line, your name will be got deleted from the panel if he accept the appointment against 40% construction reserve posts.
8. He should note that after his appointment against construction Reserve post his name from the seniority list of casual labours will be struck off and he will have no right to claim for re-appointment as casual labour and for any benefit of service rendered by you as casual labour under any circumstances whatsoever.

41-511/1

XEN(C)JAM.

- C/- (1) CE(S&C)CCG. for information.  
(2) DY. CE(C)W. ADI.  
(3) DY. CE(S&C)KOR @ COR.  
(4) AEN(C)RJT.  
(5) PWI(C)BVP.  
(6) P, Case.  
(7) Employee concerned.

True Copy

Advocate

41-511/1

XEN(C)JAM.

2116

Annex A-3

प रे./W. R.

जी 29 बी G 29 B

संख्या/No. P.W./42-844/1 ... दिनांक/Dated. 17-8-1989.

प्रेषक/From. P.W./42-844/1 ... सेवा में/To. D.Y.R. (S.S.)

..... at Raykot. .... K.P. et C.P.R.

विषय/Sub.: Promotions, Reservations & Transfer. of class

संदर्भ/Ref.: III - 10/1, Const. Reserve Posts.

→ XBA is JAM's memorandum No. JAM/844/1

Dated 9-8-89.

In terms of XBA's JAM's memo, cited above.

Shri Baldev Shampi Carpenter (Jr. Const.

Reserve Staff) Scale B 950-1500 (RP) is

here by relieved to report his duty at your.

He is relieved today (2.8.17-8-89).

He is entitled for all transfer benefits

as per relevant Rules.

His pay has been drawn up to 17-8-89

by this office. Further may be drawn at

your accordingly. His dated pay Rs. 9000

copy to XBA's JAM's SAC (C.A.M/P.W./1(C) RVP

for information

Employee concerned,

WRP MX (CC)

True Copy

Advocate

W. Rly. WESTERN RAILWAY

BVP

द्वितीय श्रेणी मुफ्त पास

SECOND CLASS FREE PASS

(इंटर रेलवे, Foreign Line)

A 215372

जी पी GP 13/ पार R 4

इसके प्रत्येक प्रत्येक 50 कि. ग्रांम वजन तथा प्रत्येक अवयवक इसके आधा वजन तक अब सामान निःशुल्क ले जा सकता है। With 50 Kilograms Luggage Free for each Adult and Half the quantity for each Child.

विभाग Dept. Station RST. दिनांक Date 16.8.89

नाम Pass. Shri. Baldev Shamji only

From Rajkot To Chittaurgarh

Via होकर तथा वापसी यात्रा and Return

From To

Via होकर Over Railways. रेलों पर

कब से कब तक { बहियाना Outward Journey. 16.8.89 to 15.9.89

Available upto { वापसी यात्रा Return Journey.

प्रसिधारी के हस्ताक्षर/अंगूठे की छाप। यदि कर्मचारी स्वयं यात्रा नहीं कर रहा है तो परिवार के मुख्य व्यक्ति द्वारा हस्ताक्षर किये जाने चाहिए; अथवा यदि वह अक्षरित हो तो अपने अंगूठे की छाप लगानी चाहिए। (यात्रा आरंभ करते समय हस्ताक्षर करें) Signature/Thumb impression of the holder. If the employee himself is not travelling, the leading member of the family should sign or if illiterate put his/her thumb impression (To be signed at the commencement of the journey).

जाते समय Outward Journey

वापसी समय Return Journey

जाते की तारीख Outward Journey Commenced on

वापसी की तारीख Return Journey Commenced on

किसी भी सवारी/डाक गाड़ी से By any Passenger Train / Mail Train

क्यों दिया गया Why granted On Transfer

जारी करने वाले अधिकारी के मोहर सहित हस्ताक्षर एवं पदनाम

Signature and Designation of the Issuing Officer with Seal

यात्रा विराम की अनुमति Permission to Break Journey

बहियाना Outward Journey

वापसी यात्रा Return Journey

किया गया यात्रा विराम कर्मचारी द्वारा Break Journeys availed to be filled in by the Employee

Break Journeys availed to be filled in by the Employee

Break Journeys availed to be filled in by the Employee

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Break Journeys availed to be filled in by the Employee

True Copy

Advocate

(क. पू. ऊ. P. T. O.)

Annex A-4

14  
19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. As per sheet attached.<sup>188</sup>  
T.A. No.

DATE OF DECISION 30-1-1987.

As per sheet attached. Petitioner

As per sheet attached. Advocate for the Petitioner(s)

Versus

As per sheet attached. Respondent

As per sheet attached. Advocate for the Respondent(s)



CORAM :

The Hon'ble Mr. P.H. TRIVEDI, VICE CHAIRMAN.


The Hon'ble Mr. P.M. JOSHI, JUDICIAL MEMBER.

C. A. T.

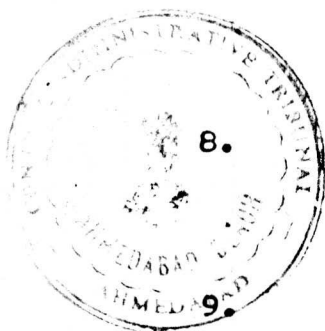
Ahmedabad Bench

- (a) Serial Number of the 'Application'.  
(b) Name of the Applicant Shri B.B. Gogia  
(c) Date of presentation of application for copy 01.08.89  
(d) Number of Pages 20 (Twenty)  
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(j) Date of preparation of copy  
(k) Date of delivery of copy to the applicant. 18.8.89





1.	OA/1/86	Jivi Chaku v/s Union of India & Ors	J J Yajnik R P Bhatt
2.	OA/38/86	Mohan Premji v/s Union of India & Ors	P H Pathak R M Vin
3.	OA/41/86	Ahmed Noor Mohmad & Ors v/s Union of India & Ors	P H Pathak R P Bhatt
4.	OA/203/86	Ahmed Noor Mohmad & Ors v/s Union of India & Ors	P H Pathak R P Bhatt
5.	OA/274/86	Bharatsingh G v/s Union of India & Ors	T R Mishra R P Bhatt
6.	OA/297/86	Jayaben Bhojabhai & Ors v/s Union of India & Ors	P H Pathak R P Bhatt
7.	OA/306/86	Govindswamy S & Ors v/s Union of India & Ors	Y V Shah R P Bhatt
8.	OA/308/86	Jalaram R & Ors v/s Union of India & Ors	J J Yajnik R P Bhatt
9.	OA/309/86	Karujaisingh & Ors v/s Union of India	P H Pathak R P Bhatt
10.	OA/336/86	Karshanbhai & Ors v/s Union of India & Ors	Y V Shah R.P. Bhatt
11.	OA/339/86	Kantibhai B & Ors v/s Union of India & Ors	P H Pathak R P Bhatt
12.	OA/344/86	Jiwal Kawa v/s Union of India & Ors	P H Pathak R P Bhatt
13.	OA/348/86	Nakethrao & Ors v/s Union of India & Ors	P H Pathak R P BHATT



14. OA/362/86 Kameshchandra R & Ors P H Pathak  
v/s R P Bhatt  
Union of India & Ors
15. OA/370/86 Bhimji Tapoo & Ors Y V Shah  
v/s R P Bhatt  
Union of India & Ors
16. OA/375/86 Madhuba H & Ors Y V Shah  
v/s R P Bhatt  
Union of India & Ors
17. OA/392/86 D V Kariya K K Shah  
v/s R P Bhatt  
Union of India & Ors
18. OA/397/86 Bhikha Premji & Ors P H Pathak  
v/s R P Bhatt  
Union of India & Ors
19. OA/447/86 Chatur Mohan K K Shah  
v/s R P Bhatt  
Union of India & Ors
20. OA/448/86 D K Khuhwah & Ors K K Shah  
v/s R P Bhatt  
Union of India & Ors
21. OA/466/86 Popatgiri R D M Thakkar  
v/s R P Bhatt  
Union of India & Ors
22. OA/440/86 Vikram Sinh P P H Pathak  
v/s R P Bhatt  
Union of India & Ors
23. OA/441/86 Mayavan A & Ors Y V Shah  
v/s R P Bhatt  
Union of India & Ors
24. OA/442/86 Bhagwati Mohan & Ors R N Shah  
v/s R P Bhatt  
Union of India & Ors
25. TA/185/86 Mohan Roopa & Ors T R Mishra  
v/s R P Bhatt  
Ex. Engineer & Ors

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(21)

DA/1/86, DA/38/86, DA/41/86, DA/203/86, DA/274/86,  
DA/297/86, DA/306/86, DA/308/86, DA/309/86, DA/336/86,  
DA/339/86, DA/344/86, DA/348/86, DA/362/86, DA/370/86,  
DA/375/86, DA/392/86, DA/397/86, DA/447/86, DA/448/86,  
DA/466/86, DA/440/86, DA/441/86, DA/442/86, TA/185/86.

JUDGMENT

Date: 30-1-1987.

Per: Hon'ble Mr. P.H. Trivedi, Vice Chairman.

1. We heard a batch of cases together in which Casual Labourers have been transferred by one way or another by the respondents. As common questions of law and facts are involved, learned advocates made joint submissions on such questions. While in some cases learned advocates made submissions regarding individual cases, in a number of other cases learned advocates from both sides stated that, their case was set out in the respective applications replies and in some cases rejoinders and needed no further arguments to be made by them.
- 2/- . Our attention was pointedly drawn to the decision in 1985 SCC (L & S) 526 in which the Supreme Court after examining the scheme prepared for absorbing casual labour had directed as follows:-

"To avoid violation of Article, 14, the scientific and equitable way of implementing the scheme is for the Railway Administration to prepare, a list of project casual labour with reference to each division of each railway and then start absorbing those with the longest service. If in the process any adjustments are necessary, the same must be done. In giving this direction, we are considerably influenced by the statutory recognition of a principle

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well known in industrial jurisprudence that the men with longest service shall have priority over those who have joined later on. In other words, the principle of last come first go or to reverse it first come last go as enunciated in Section 25-G of the Industrial Disputes Act, 1947 has been accepted. We direct accordingly".

This was further clarified by the Court's order on 11th August, 1986 as follows:

"We are of the view that the Scheme prepared by the Railways setting out the list of project casual labour with reference to each department in each Division and also in regard to each category, namely, skilled, semi-skilled and unskilled, is in compliance with the judgment and order dated 18-4-'85 given by this Court and that absorption of these with the longest service be made in accordance with such list. Mr. Krishnamurthy Iyer states that this process will be completed within two months from today. The matter is disposed of in these terms".

In a case OA/41/86 it was represented by the respondent that such list are being prepared and will be finalised by the end of October, 1986. We, however, were informed that this was proving a difficult exercise and was not yet completed, although, the respondents had issued instructions to their offices to proceed with the task vigorously.

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3/- The cases before us involve transfer of Casual Labours from one division to another. In some cases viz. OA/440/86, OA/306/86, TA/185/86, in SCA/515/82, OA/309/86, OA/308/86, OA/274/86, OA/203/86, OA/442/86, OA/348/86, OA/38/86, OA/441/86 on which reply has been filed, there are simple relieving orders alongwith transfer with the issue of Railway Pass.

In some other cases in which reply has been filed viz. OA/36/86, OA/41/86 transfer have been ordered without issue of Railway pass.

In one case OA/362/86 the applicant is went on transfer to Jaipur Division from Bhavnagar Division, but he has produced a letter from Executive Engineer, Jaipur that there is no requirement of labour there and has been returned. In some other cases viz. OA/1/86 and OA/297/86 the applicants had to return from the Division to which they were transferred but they were not absorbed or given employment in the originating division. The applicants are aggrieved because in the case of Casual Labours, such transfers involve considerable hardship. In OA/1/86 and OA/297/86 spouses are separated as one of them is transferred and other is not. In a number of cases the originating division strike off their name, on transfer and they lose their claim regarding any offer of employment in the originating division as and when such work is likely to be available. Besides, some of them are further aggrieved because



while they lose their claims for such employment in the originating division in which they are sufficiently senior, they have to start from the bottom in the division in which they are transferred and a number of them become a floating labour force since after some time they are forced to leave that division when they are rendered surplus, they being at the bottom of the list. They have claimed that in effect this is termination of their service without payment of any retrenchment compensation or notice. On their part the respondents contend that Casual labour is not a regular employee and in spite of their best endeavours the respondents are not in a position to offer them employment in the original division when projects are completed. Instead of causing misery by simply terminating their services as the respondents are entitled to do, they offer them another employment in another division on humanitarian considerations and give them railway passes for travelling but they cannot protect the seniority in the new division nor guarantee that they will not have to further move from there when work is completed in that division also. So far as the preparation of the seniority list is concerned the respondents have pleaded that the unit with reference to which the seniority list is to be prepared is in doubt since their lists are projectwise and the divisions are not coterminous, some times the projects traverse more than one division and often more than a



number of projects have been taken up in a single division.

4/- The first and foremost question to be decided is whether casual labour is liable to transfer and if so under what conditions ? In rule 2501 of Indian Railway Establishment Manual it is provided as follows:-

Defination:-

"Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest available source. It is not liable to transfer, and the conditions applicable to permanent and temporary staff do not apply to such labour".

In Robert D'souza's case in Civil Appeal No:1613/1979 it has been held "The definition of casual labour extracted by us above clearly indicates that persons belonging to casual labour is not liable to transfer". As long as the petitioners are Casual labour, transfer does not become a incident or condition of their service and the respondents is not entitled to force such transfers on the petitioners.

5/- The second question is whether the respondent can terminate the services of the applicants by implication or verbally on the basis that they have offered employment in another division and the petitioners not having availed of the offer, no further obligation devolves upon him. It is true

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that until they get their temporary status the Casual labour is daily rated and the respondent has therefore contended that there is no obligation on him even to offer to employment on the day following the date of his work and his contention is that he is therefore free to terminate employment if he is free not to offer it. This plea is not tenable. The respondent cannot pick and choose the casual labour to be terminated or transferred. Although seniority lists are necessary for regular labour may not have been prepared for casual labour, the principle of the last come first go operates and a list of casual labour in the chronology in which they have been employed, is a requirement. It is true that they are paid daily wages and their employment could be seasonal or spordic and drawn only from local sources, but as long as there is any work in the project or in the division they have claim to it in the order of last come first go, and the respondent is not free to ignore their claim in preference to anyone junior to them. This is specially so because of the orders of the Supreme Court. The Scheme of absorption of casual labour was specifically discussed and noticed by the Supreme Court. The mechanism of a seniority list was directed by it in order to decide the merits interese of casual labour for their absorption and a specific time limit has been prescribed in the orders. The plea of the respondent therefore that the claim of the petitioners can be ignored or settled adversely



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cannot be accepted unless they have come forward with the seniority list and shown that work is not possible to be offered and the petitioners are liable to be terminated on the basis of the seniority list prepared on the principle of 'last come first go'. The plea that there is some doubt regarding the unit with reference to which the seniority list is to be prepared also is not weighty. The directions of the Supreme Court specifically mentioned the Division and the respondent's minutes dated 28-7-1986 asking for seniority list which accordingly requires also seniority lists to be prepared divisionwise.

6/- In order to render them liable to transfer casual labour should not only acquire temporary status by passage of time of 120 days or 180 days if in a project but should have been screened and empaneled and given regular employment. While the passage of time might entitle the casual labour to the benefits of temporary status, there is nothing to show they are rendered liable to transfer merely on this account. Rule 2511 speaks of the entitlement of casual labour treated as temporary to rights and privileges admissible to temporary railway servants as laid down in chapter XXIII of the Indian Railway's Establishment Manual but there is nothing to show that such treatment as temporary railway servants renders them liable to transfer.



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7/- Rule 2514 of the Manual states that the casual labour comes within the purview of the term workman under Section 2(S) of the Industrial Disputes Act. Labour employed on purely construction work of projects on the railways should also be included by the provision of Section (2) of Section 25-FFF of the said Act in the term of work men. The fact that such work may generally be carried out on under a separate section on railways would make no difference as regards the labour employed on such work being governed by sub-section (2) of Section 25 of FFF.



8/- The question involving difficult humanitarian considerations is the separation of families arising out of such transfers. The spirit of the Government policy is to keep the spouses together but this governs only those spouses who are in regular government service and can be urged only in matters of transfer. No spouse can make a claim for employment on the ground that the other spouse has been offered a job. Nor can a spouse urge that the adverse benefits in terms of seniority list can be avoided for this reason. If therefore termination takes place due to operation of 'last come first go' and spouses are at different positions in the seniority list or one spouse accepts employment in another division no claim can be entertained in favour of the other spouse for reasons of keeping them together.

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9/- . We notice that in issuing railway passes the respondent has not pursued a uniform policy even though the applicants in different cases are all casual labour. In a number of cases travelling passes are allowed but in a number of them they have not been given. But only an offer was made that employment will be available in another division.

Rule 2510 states that:-

- (i) Casual labour are not entitled to passes and privilege ticket orders.
- (ii) Passes to casual labour are admissible on recruitment and discharge in cases where such labour are not available at the site of the work and have to be recruited from places far away from the site of work in interests of the administration.

10/- . The respondents made much of the fact that casual labour was drawn from far off place like Kerala and prefer to go wherever work is offered to them and that the alleged hardship in going from one Division to another is imaginary, that they used to going from one State to another and in the circumstances they should be quite thankful to be given at least some employment some where on a secure basis. This could be true but we cannot ignore the fact that the Railway Establishment Manual itself defines the term casual labour and there is a specific reference that the employment offered is not only sporadic or seasonal but by its nature local. It is only when local labour is not available that casual labour from outside can be inducted and in such cases passes for free travel are allowed. The plea



therefore that casual labour is a kind of reserve labour force at the disposal of the railways which can be shifted at will, cannot be supported.

11/- In the context of the discussions regarding the rules and Supreme Court's direction and judgments the following conclusions emerge:-

(i) Casual labour cannot be transferred as a liability condition or incident of their service,  
(ii) Seniority lists on the basis of the last come first go have to be prepared on a divisionwise basis. Until so prepared, the mere fact that in a place or a project there is no more work will not entitle the respondent to terminate the service of the applicants. If the respondent can atleast show that the applicants are junior to those who have been retained and there is no work that can be offered to the applicant in the whole division, he could be in a position to terminate the service.

(iii) Termination of casual labour requires the procedure under Section 25-F to be observed as they are workmen under that Act. Compensation accordingly and notice have to be given.

(iv) It is open to the respondents to offer a transfer to another division to casual labour as an alternative to resorting to termination of services and it is open to such casual labour to accept such transfer. This should however, be done only on the basis of the seniority position of the casual labour in the originating division being first ascertained and then it has to be retained so that as and when work is available in the originating division, the

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casual labour accepting the transfer on a provisional basis retains his right to come back to the originating division.

(v) The casual labour accepting transfer to another division on a provisional basis as stated above will have to be furnished with railway pass and on his joining will have been seniority reckoned in that division on the basis of his appointment in that division.

Such a "transfer" is actually an offer for provisional employment in another division.

12/-. The cases before us have to be therefore decided, on the basis of these conclusions. Even if the plea of the projects on which the applicants were employed being completed is accepted and even if the respondents show that there is no more work for them, in the absence of the seniority lists, it is not possible for them to force the transfer on the applicants. The grievance that they would lose not only the employment in the originating division but would also lose their seniority as their name may be struck off is rightly agitating them. Even the assurance held out as has been done in some cases, that their seniority will be protected in the originating division, is not credible. There would be an apprehension that if the respondent has not been able to prepare the seniority list after so many months though directed by the Supreme Court, how they will be able to keep their relative position in the seniority list for determining their claims for either absorption or offer of another employment ?



We are not impressed by the plea that it is impossible to ascertain the relative position of the applicants in seniority lists. Even if the exact position of the applicants and seniority is not possible to be ascertained at this stage the Respondents could ascertain the date on which the junior most casual labour is proposed to be retained in the division and show that the applicants have been appointed thereafter. The applicants then will have no grievance vis-a-vis the junior most person retained. It is of course open to the applicants to accept the employment offered in another division. Such an offer could be made by the Respondent but, in order to be effective there should be no administrative hurdle so that the applicant finds that the division to which he is asked to go is not ready to receive him or takes the plea that there is no work available. In such an event such an offer cannot be regarded as bonafide and if the applicant accepts it and is not offered employment thereafter in the other division he will have a cause to pursue. His claim for seniority in the originating division will have to be upheld. ✓ In the case of such casual labour the Respondent may have to devise a number of seniority lists, one applicable in the originating division where he should be retained in his correct position which should not suffer on account of his so called transfer. He has to be shown in the new division at the bottom as he obviously he cannot ~~be~~ claim preference on the basis of his seniority in the originating division.

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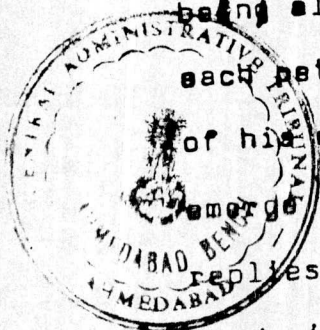
13/- . We therefore hold that the transfer of the applicants in the batch of cases before us is bad unauthorised and where there are orders, they have to be quashed and set aside. We direct that the respondent prepares seniority lists divisionwise as directed by the Supreme Court on the basis of last come first go and this exercise which they have not yet been completed should be completed very early pending conclusion of which atleast the date of appointment of the junior most casual labour in each division proposed to be retained should be ascertained and with reference to it the fate of the applicants should be made known to them. It will be then open to the applicants to consider the offer of employment elsewhere and without this information it would be Hobson's choice for them which they are right to resist. We further observe that it is necessary that employment should be given at the place where it is actually required and it is not in public interest to retain large numbers without useful work at the places where they are not needed only because procedural steps have not been effectively or expeditiously taken.



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14/- . A large number of petitioners are involved and in respect of most of the cases interim relief has been granted. In some cases the petitioners have accepted the 'transfer' and moved to the next station. In a few cases at their request they have been allowed to return to their originating division but they have not been absorbed there, on the plea that their names have been struck off. In a few cases the petitioners have not been relieved and interim relief being allowed. A clear position about the each petitioner regarding the present state of his employment or otherwise does not emerge from either the petitions or the replies and it is not possible to ascertain it during the hearing. We have therefore in OA/1/86, OA/297/86 the petitioners decided that the claim of the petitioners regarding their seniority and continuation of employment in the originating division should be accepted. Further wherever interim relief has been granted the claim for back wages is also generally to be allowed if the petitioners have been relieved, on their satisfying the respondent - Railways that they have not been employed elsewhere. On this basis in OA/339/86, OA/375/86, OA/392/86, OA/370/86 and OA/336/86 in which the petitioners have been granted interim relief and not relieved, they will continue in their present post and will have claims regarding their seniority ascertained and until then they will have protection regarding their termination of service. In OA/1/86, OA/297/86 the petitioners



who are women workers and spouses, having moved to Jaipur and worked there for several days will not be entitled to backwages but will be reabsorbed in the originating sub-division and their claim of seniority will be not adversely affected by virtue of their transfer and they will have the protection against termination until their seniority is ascertained on the basis of 'last come first go'. In OA/41/86, interim relief was allowed on 30-4-'86 but was discontinued from 2-5-'86 and the petitioners were relieved on 1-3-1986. In this case the petitioner will be absorbed in the originating division and his service will not be terminated until seniority is ascertained and on 'last come first go' basis. He will be entitled to the back wages with effect from 2-5-'86. In TA/185/86, 25 petitioners who have been relieved on 4-2-'82 before interim relief granted on 9-2-'82 could be affected. In that case, therefore there has been no interim relief. The petitioners will have a claim to be reabsorbed and protect their seniority and will not be terminated <sup>> except</sup> on 'last come first go' basis but they will not have any claim on back wages. In OA/38/86 no interim relief was granted, the petitioner were relieved on 24-8-'85 and they joined at Jaipur on 16-9-'85. In that case they will be reabsorbed if they so desire in the originating division. Their claim for seniority will be protected and they will not be terminated except on 'last come first go' basis. Even if they continue ~~to~~ at Jaipur this benefit will continue. In all other cases vi<sub>2</sub>.

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DA/397/86, DA/448/86, DA/446/86, DA/447/86,  
DA/362/86, DA/309/86, DA/308/86, DA/274/86,  
DA/203/86, DA/348/86, DA/442/86, DA/441/86,  
and DA/440/86 interim relief has been granted  
and the petitioners have been relieved on  
various dates. In these cases they will be  
reabsorbed in their originating division and  
until their seniority is ascertained their  
services will not be terminated except on  
'last come first go' basis and they will have  
a claim on back wages wherever they have not  
yet collected them under interim relief granted.



DA/306/86, 186 petitioners have already  
joined at Jaipur out of 282 petitioners.  
Those who have joined at Jaipur will continue  
to have the benefit of seniority in  
originating division and those who have not  
joined will have to satisfy the respondent  
that they had not taken any other employment,  
and on so doing, shall be paid back wages  
from the date of their being relieved. In  
DA/344/86 the applicant has accepted the  
'transfer', and gone to Jaipur and no interim  
relief was granted. The petitioner will have  
her seniority in the originating division  
protected and her service will not be  
terminated until it is ascertained and  
only on 'last come first go' basis. There  
is no question of back wages in her case  
being paid.

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15/- Subject to the above directions and observations we allow the petitions.

Sd/-  
(P.H. TRIVEDI)  
VICE CHAIRMAN

Sd/-  
(P.M. JOSHI)  
JUDICIAL MEMBER

Prepared by R.E.C.  
18.8.89

Composed by P.F.F.  
18.08.89

TRUE COPY

18.8.89  
K. B. SANE  
Section Officer  
Central Administrative Tribunal,  
Ahmedabad Bench.

True Copy

( )  
Associate



Annex A-5

Recd A.D.

From :

Baldev Shamji,

14, Popat Para, Rajkot.

Dt. 22/8/1989.

To,  
The A.E.N.(C),  
Western Railway,  
Rajkot.

Sub : Transfer to Chitod.

Ref : PWI(C) BVP No. PWI/C/E 840/1  
Dated 17/8/89.

Sir,

I am order to be transferred and directed to report to Dy.E.(S&C) KCP at COR. The said order is not just and legal. I am however reporting my duties as ordered, under protect, reserving my ~~right~~ right to dispute it.

Thanking you.

Yours faithfully,

*Baldev Shamji*

( Baldev Shamji ).

Copy to :-

The P.W.I.(C) BVP at Rajkot, W.Rly, Rajkot for information and necessary action.

True Copy

*(Signature)*

( Advocate )

Annex A-6

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प्राप्ति स्विकृति (रसीद) ACKNOWLEDGEMENT पट्टा

• एक रजिस्ट्री / पत्र / पोस्टकार्ड / पैकेट / पार्सल प्राप्त हुआ

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DATE OF DELIVERY

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क्रमांक:

नंबर:

NO.:

21-11-11

21-11-11

The A.E.N.C.C.

Western Railway

Rajkot

29/11/11

True Copy

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Advocate

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આર.પી. ૫૪  
આર.પી. ૫૪  
R. P. 54

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MOTMOCHIBAZ

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Baldevbhai Shami ibhai

14 Popatlara, Near Wankawekatha

Rajkot


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Advocate

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# प्राप्ति स्विकृति (रसीद) ACKNOWLEDGEMENT पहुँच

- एक रजिस्ट्री / पत्र / पोस्टकार्ड / पैकेट / पार्सल प्राप्त हुआ
- अथवा रजिस्टर्ड / पत्र / पोस्टकार्ड / पैकेट / पार्सल मध्यम/मध्यम
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 नंबर: 0108  
 NO.: 22-1-18

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 प्राप्तकर्ता का नाम  
 ADDRESSED TO (NAME)

PWIC  
Western RAW. Bank

† बीमा का मूल्य रुपये में † उतारवेल बीमा  
 † INSURED FOR RUPEES' इधियां..

वितरण की तारीख  
 वितरण की तारीख  
 DATE OF DELIVERY

प्राप्तकर्ता के हस्ताक्षर  
 SIGNATURE OF ADDRESSEE  
 प्राप्तकर्ता हस्ताक्षर PWIC BVP  
CRST 28/8/18

- अनावश्यक को काट दिया जाए
- SCORE OUT THE MATTER NOT REQUIRED
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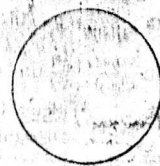
Advocate

35

भारतीय डाक  
R.P. 54  
161

भारतीय डाक-तार विभाग  
भारतीय टपाल અને તાર વિભાગ  
INDIAN POSTS AND TELEGRAPHS DEPT.

तारीख-मोहर  
तारीख-सिडका



DATE STAMP

SENDER'S ADDRESS भंडेलवारणु सरनाहु  
भंडेलवारणु पता

~~P. H. H.~~ Baldevbhai

Shamjibhai

Dokhatkora - 14

Near Wankar/Landhe

Rajkot

पिन/पिन/पिन

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True Copy

*(Signature)*

Advocate



38.

33

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT  
AHMEDABAD

ORIGINAL APPLICATION NO. 505 OF 1989

Shri Baldev Shamji : Applicant

Versus

Union of India & Ors : Respondents  
Western Railway

REPLY BY THE RESPONDENTS

The Respondents are filing this reply only on Law Points against the admission of the above application.

1. The employee involved in the present application was initially recruited as daily-rated Carpenter in connection with the major gauge conversion project from Viramgam to Okha and from Sikka-Kanalus to Porbandar. With the passage of time and as per orders of Railway Board, who is the supreme policy-making body for the Indian Railways, the Applicant was granted temporary status after completing 360 days in the Survey & Construction Department of the Western Railway till his present transfer to Chittorgarh ordered purely in the interest of Administration.

16-1-90

COPY served to  
Mr. B. B. Gogta  
C. to Mr. B. R. Khandu  
Dk 10-1-90

13PK

2 In terms of Hon'ble Supreme Court's judgement in the case of Inderpal Yadav & Ors Versus Union of India, and the directives given thereunder, the seniority of the temporary status project casual labours has been ~~pared~~ prepared and published long ago, as brought out in the application itself.

3 Railway Board, who is the supreme policy-making body for the Indian Railways, vide their letter No.E(NG)III-69CP/42 dated 24-12-73 authorised formation of a Construction Reserve consisting of 40% of the temporary non-gazetted posts on projects including Open Line works costing more than Rs. 4 lakhs. Thereafter, in a letter of the same number dated 5-2-74, the Railway Board mentioned that these instructions are also applicable to such of the Class IV posts as are part of the General Charges of the project estimates. In partial modification of their letter dated 5-2-74, the Board, vide their letter No.E(NG)I-74CFP/40 dated 17-9-74 decided that for working out the number of Class IV posts, 40% of which are to be made permanent, not only the posts paid for from General Charges but also those construction posts which are operated on a continuous basis and for which normally monthly paid staff would have been utilised, should be taken into account. The construction reserve posts should

38  
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be filled exclusively by Screening casual labour who have been working against posts of a continuous nature as mentioned in Board's letter, for a total period of over 5 years in one or more project.

The Railway Board, in their letter dated 17-9-74

Annex.I

Annex. I, have specifically mentioned that construction reserve sanctioned as above will constitute a floating cadre and the posts as also the staff will be shifted from project to project.

4 Arising out of the above instructions, screening of T.S. (temporary status) project casual labours for Class IV and artisan staff was conducted and and the Applicant was placed on the said panel. As a result of the screening, the Applicant was appointed to the post of Carpenter T.S. scale Rs.950-1500(RP) as per Memorandum dated 29-06-89 - Annexure A-2 to the application. It will be evident from the said Memorandum also that the Applicant has been appointed against this floating post and can be transferred anywhere in Survey & Construction Department, in terms of the instructions contained in Railway Board's letter dated 17-9-74 - Annexure I.

5 From the foregoing it will be evident that the Applicant is working against 40% Construction Reserve post and can be transferred from project to project depending upon availability of work. Since he is no more a T.S. casual labour, he can always be transferred to projects where his services are required to be utilised in contrast to the casual labour who cannot be transferred out of their originating Division, which is not the case in respect of the Applicant.



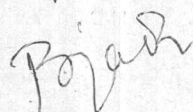
6 As will be seen from the above recitation, the Applicant belongs to 40% Construction Reserve staff category which is liable to be transferred from project to project depending upon the availability of work. Under the circumstances, the spirit of various decisions of this Hon'ble Tribunal as also of the Supreme Court, do not apply in the case of Applicant. Since the Applicant has come to belong to 40% Construction Reserve category, he cannot be released for absorption on Open Line irrespective of the fact whether he belongs to SC or ST community.

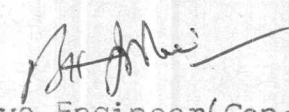
7 It may be mentioned that the Applicant has made out a case against his transfer on the pretext of being T.S. project casual labour willfully hiding the fact that he does belong to 40% Construction Reserve staff, who is liable to be transferred from project to project depending upon availability of work and cannot seek any reliefs as prayed for in the application, which deserves to be disposed of in favour of the Respondents.

8 For the above reasons and the reasons which may be urged at the time of hearing of this application, none of the prayers of the Applicant deserve any merit and the application may be disposed of in favour of Respondents.

Dated <sup>14</sup>10-1-1990

For & on behalf of the  
Union of India


  
(B.R. Kyada)  
Advocate for  
Respondents

  
Executive Engineer (Const.)  
Ahmedabad  
Western Railway

48  
35VERIFICATION

I, Executive Engineer(Const.) Ahmedabad  
Western Railway, Respondent do hereby solemnly  
affirm and state that what is stated hereinabove  
is true to my knowledge, information and belief  
and I believe the same to be true.

Ahmedabad  
Dt: 09-1-1990

  
Executive Engineer(Const.)  
Ahmedabad  
Western Railway

Reply/Rejoinder/written submission  
filed by Mr. B. K. /cyadg  
learned advocate for petitioner/  
Respondent with second set.  
Copy served/not served & other side

Dt 10/1/90

  
Dy. Registrar C.A.T. (I)  
A'bad Bench



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1997 1998 1999 2000 2001 2002 2003

2. The construction reserve posts should be filled exclusively by screening casual labour who have been working against posts of continuous ~~nature as mentioned, vehicle driver, plants~~ nature as mentioned in para 1 above, for a total period of over 5 years in one or more projects.

0000 0000 0000 0000 0000 0000 0000

Time cost  
Mr. B. R. Ryerson

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD

ORIGINAL APPLICATION No: 505/89.

Baldev Shamji  
RAJKOT

:: APPLICANT

Versus

Union of India & Others

:: RESPONDENTS

REJOINDER IN AFFIDAVIT

I, Baldev Shamji Applicant in this case do  
hereby file this Rejoinder and state on oath as under :

That I have been read over and explained the  
contents of the reply filed by the Respondents and I say  
that the statements made therein are not correct and not  
admitted to be true by me.

In reply to para-1,2,3,4,5,6 & 7 the facts stated  
therein are not correct and not admitted to be true. The  
petitioner submits that a casual labour working on projects  
is entitled to be granted temporary status on completion  
of six months continuous service. The applicant submits  
that this position was already upheld by the Hon'ble  
Supreme Court of India in Civil Appeal No.1613 of 1979  
between L Robert D'Souza and Executive Engineer, Southern  
Railway and another reported in 864 SLR 1982 (1). The  
relevant portion is as reproduced below :

"11. in order to satisfactorily establish that  
the applicant belonging to the category of  
Casual labour .....  
..... gang or group of labourers. It is  
thus abundantly clear that if a person belonging  
to the category of casual labour employed in  
construction work other than work charged projects  
renders six months' continuous service without

....(2)....



*Received reply  
Subj to reply  
B3/25  
28/8/90*



...(2)...

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28

a break, by the operation of statutory rule the person would be treated as temporary railway servant after the expiry of six months continuous employment. It is equally true of even seasonal labour. Once the person acquired the status of temporary railway servant by operation of law, the conditions of his service would be governed as set out in Chapter XXIII".

The seniority list of casual labours working on the project, which is said to have been prepared and published is not correctly prepared and is prepared with ulterior motives with un-pious efforts to deprive the project labours from getting due benefits from the judgement of the Hon'ble Supreme Court of India in W.P.Nos. 147,320-69,454,4335-4434 of 1983 filed by Inder Pal Yadav & others versus Union of India & others reported in 58 SLJ 1985(2), wherein the scheme of the Railway Board was approved and according to which the combined seniority list was to be prepared of the Casual Labours of the Project as well as of Rajkot Division. The Respondents were therefore required to prepare the seniority list of Carpenter working on Rajkot Division and Carpenter working on the Construction Project falling on the geographical jurisdiction of Rajkot Division according to their length of service/ date of entry into service as Carpenter. It is such a combined seniority list, when prepared, can be the basis ~~of~~ for effecting and deciding the retrenchment on the basis of last come first go. This point is also further clarified by this bench of the Tribunal in C.A. No.339,340,345/1987 decided on 8.6.1989. The relevant portion is as under :-

...(3)...



...(3)...

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"12. The Respondents in their, counter have stated that the petitioners plea combine seniority of project casual labour with non-project casual labour (also called open line casual labour) is not correct. According to them, the seniority of project casual labour was first submitted to the Divl.Rly.Manager Baroda (under whom the Divl.Personnel Officer, Baroda functions) vide office letter No.VRRE E/615/1(RS) dt.29.10.86. It was contended by the Respondents, inter-alia that the petitioners should be concerned only with the correctness of the seniority and in conformity with directions on the subject and not now and by whom the seniority should be complied. We do not find merits in the contentions raised by the Respondents in this regard. It is expressly provided in the guidelines referred to above that the retrenchment of project casual labour should be strictly on the basis of combined seniority list. The Personnel Officer of the Division is under a mandate to ensure that the junior-most project casual labour of the seniority unit is retrenched on the basis of combined seniority, if the surplus could not be engaged elsewhere. More over..... could be deployed."

The Respondents are expected to enlighten the facts from the records, which are under their possession, as to the vacancies which have arisen of Carpenter in Rajkot Division from the date the applicant was appointed as Carpenter or from the date he was due for temporary status as also the details of the persons who have been appointed to the post of Carpenter or promoted to the post of Carpenter during the said period.

The applicant also draws the attention of the Hon'ble Tribunal to a letter issued by the DRM(E)Rajkot dated 12th January, 1989 addressed to Dy.CE(W)Ahmedabad and Dy.CE(C)Ahmedabad produced by the applicant wherein if read will give the impression that the Carpenter working on projects like the applicant are not incorporated in the seniority list of Rajkot Division. They are treated completely separate from the Open Line Carpenter and their services are terminated on such seniority list.

...(4)...



...(4)...

*(Signature)*

The said letter also clearly shows that the seniority of the applicant or persons like him are to be assigned on Rajkot Division. As such they are also to be treated as on the cadre and also to be brought on the cadre of Rajkot Division and they cease to be the Construction/Project employees and therefore their services also can be terminated by Rajkot Division and not by the construction department, as held by this Hon'ble Tribunal in C.A.No.339,340,345/1987. The impugned order is therefore without jurisdiction.

I declare the above facts on oath.

Rajkot/Ahmedabad.

Date: 20-8-90

*(Signature)*

( APPLICATION )

Identified by :

*(Signature)*

(Advocate)

solemnly affirmed before me by

Shri... *Baldev Sheenji*

who is identified by Advocate

Shri... *B.B. Gogia - Adv*

who is known to me.

Rajkot. Dated:- 20-8-90

*(Signature)*

Clerk of the Court  
Civil Judge Sr. Dn.  
RAJKOT.



Reply/Rejoinder/written submissions  
filed by Mr. *B.B. Gogia*  
learned advocate for petitioner/  
Respondent with receipt  
Copy served/not served *for file*

Di. 28/8/99

*(Signature)*  
Dy. Registrar C A T  
Ahmad Bench



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD.

O.A. No. 505 of 1989

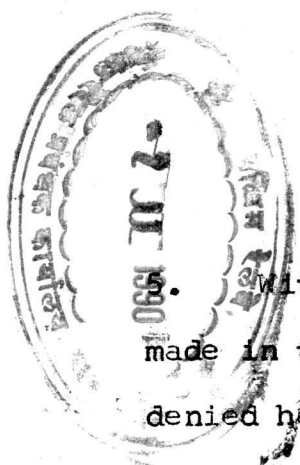
Baldev Shamji ..... Applicant.

Vrs

Union of India & Ors. .... Respondents.

Reply by the Respondents.

1. At the outset the Respondents states and submits that the present application in the present form is not maintainable and tenable under the provisions of Central Administrative Tribunal Act 1985 and thus deserves to be dismissed limne.
2. With reference to the cause of action, as such no cause of action has arisen as alleged in para (1) of the application and therefore the present application is not maintainable.
3. So far as the jurisdiction is concerned, the Petitioner has not exhausted the alternative remedies available under the service conditions. Not only this, the applicant has not availed himself any remedy against the alleged order dated 12-1-1989 and 17-8-1989 as alleged by the Petitioner in this Petition and therefore the same deserves to be dismissed.
4. With reference to para 4 the allegation made in this para are not correct. It is true that the Hon'ble TRIBUNAL has passed the Order in favour of the Applicant in T.A. No. 1251 of 1986. The rest of the contention is not admitted and is denied hereby.



5. With reference to para 4(ii) the averments made in the said para are not correct and is denied hereby. The reference made by the Petitioner is regarding grant of temporary status to Casual Labours and not for their permanent postings. According to these instructions the Applicant is granted temporary status and therefore it cannot be said that the instructions issued by the Railway Board has not been complied with by the Railway authorities. So far as the seniority of the Artisan staff working in the construction unit is concerned, it was prepared by the Executive Engineer (C) and finalised by Respondent No. 3 and the same was circulated to the concerned unit long back. The present applicant was working under Respondent No. 2 herein and therefore it was the duty of the Applicant to verify whether his name was included in the list or not, If his name was not there it was always open for him to make representation for the inclusion of his name in the list giving strict proof regarding his Service condition and the number of days put in by him.

6. With reference to para (iv) on page 3, the averments made in this para is not correct and denied hereby. It is not correct that Rajkot division is under obligation to absorb all artisan staff engaged for some work by the Construction department. The scheme referred to by the Applicant only gives instructions regarding grant of temporary status regarding filling up of vacancies of artisan staff and nothing more. Even though the Respondents wants to explain the position regarding vacancies of the artisan category which requires to be filled up is as under:



- (i) 50% of the vacancies from Semi Skilled staff of the department concerned.
- (ii) 25% of the vacancies from Class IV employees who are regular employees and possess ITI qualification in the concerned trade, and
- (iii) 25% of the vacancies from the Open Market who are ITI or those who have completed 3 year's apprenticeship under the Apprentices Act 1961.

The Applicant does not belong to any of the three categories mentioned above and there is no other method of filling up vacancies in the Artigan category. If the Applicant was ITI in the trade of Carpenter, the Administration could have considered his case for appointment against the 25% of vacancies. Not obly this the Applicant is not a regular employee . Even if he is willing to be screened for regular employment in Class IV services in the Engineering Department, he can be regularised as per his turn and thereafter he can volunteer for the trade test for the category of carpenter against the 50% of thevacancies reserved for class IV staff of the department. No appointment can be directly made as carpenter except through the three alternatives explained above and therefore, now it is for the applicant to decide to issued as he wants. So far as availability of vacancies or reservation for SC/ST is concerned this issue is immaterial and the department does not consider it an important fa ctor as his eligibility for absorbption as Carpenter and if he is eligible then the question of SC/ST does not arise. The basic qualification i.e. eligibilty must be fulfilled first. The Respondents states and submits that there is no question of availability or non-availability of vacancies or reservation, but these will have to be filled up as explained above . No Casual Labour cannot be

appointed directly as a Carpenter.

7. With reference to paras 4(viii) to (x), the averments made in these paras are not correct and is denied hereby. As per Annexure A.2, it shows that the Applicant was appointed as a Carpenter against 40% construction reserve post. According to the conditions mentioned therein, this post is a transferable one and can be transferred anywhere in the Survey and construction department of the Western Railway. There are 8 divisions, whereas there is only one construction division and this division has to carry out the work in all the 8 divisions. And therefore it cannot be said that the Petitioner is entitled to be absorbed only in Rajkot Division. His name is borne in the Construction Dept. and he has been absorbed against 40% construction dept. reserve, therefore he cannot say that he is not transferrable anywhere in the Survey and Construction department. The Applicant has already been absorbed in the 40% Construction Reserve post and has become a regular employee and now the question of seniority, or the question of being a casual labour or the question of Indrapal case or other benefits does not arise. Once the Petitioner has willingly accepted the post against 40% reserve post of the Construction Dept. now being a regular employee he cannot say that his post is not transferable outside his division. It should not be forgotten that Construction department is working for the entire western Railway in all the 8 divisions, and once he has been absorbed as a regular employee, he ceases to be a casual labourer.

8. With reference to the other allegations made in this application which are not specifically admitted by the Respondents are denied hereby. The posts of C & W Rajkot, PWI THAN and Engineering Department mentioned in para VI has nothing

U3

to do with this applicant's post. They are altogether different and the Petitioner has no claim over those once he has accepted the post of Carpenter against the 40% reserve in the Construction department.

9. For the above reasons and the reasons which may be urged at the time of hearing of this application, this application of the Applicant deserves to be dismissed limne.

Ahmedabad.

For and on behalf of the  
Union of India.

Dt: 11-2-92

*B.R. Kyada*  
(B.R. Kyada)  
Advocate for Respondents.

*C. K. Makvana*  
Additional Divisional Railway Manager (2)  
Western Railway, Rajkot.

VERIFICATION.

I, C.K. Makvana,  
Additional Divisional Railway Manager (2), Western Railway,  
Rajkot, Respondents, do hereby solemnly affirm and  
state that what is stated hereinabove is true to my  
knowledge, information and belief and I believe the  
same to be true.

Ahmedabad.

Dt: 11-2-92 *C. K. Makvana*  
Additional Divisional Railway Manager (2),  
Western Railway, Rajkot.

Filed in court-  
by Mr B.R. Kyada Ld Adv.  
for respondent. from court-  
attest to take on record on 11/2/92

*[Signature]*  
as  
11/2/92



BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

ORIGINAL APPLICATION NO: 505 OF 1989

all

Sri Baldev Shamji,  
Rajkot

:: Applicant

Versus

Union of India & others

:: Respondents

REJOINDER IN ANSWER

I Baldev Shamji, Adult, Occupation Service applicant in this matter, do hereby file this rejoinder in reply to the written statement filed by the Respondents on 11.2.1992.

In reply to para 2, the contentions made therein are not correct.

In reply to para 3, the contentions made there in is not correct.

In reply to Para 4, the copy of the judgement in TA No.1251/86 is annexed herewith as Annexure A/1.

A/1

In reply to para 5, it is true that the seniority list is to be maintained by DRM Western Railway Rajkot or any other DRMs concerned. It is the duty of the respondents to notify the seniority list to the applicant and other concerned staff. The applicant submits that the seniority list is not notified to the applicant.

In reply to para 6, the statements made therein are not correctly made and hence not admitted to be correct. It is not true that the applicant cannot be absorbed in class III services as contented therein. It is not true that no appointment can be made directly as Carpenter. The applicant was originally

understand  
to supply  
copy to Mr  
Cyde  
18/2

engaged as Carpenter in Viramgam - Okha - Porbandar (Conversion) Project - VOP Project - on 25.3.1972. He has been working as Carpenter for the last about 20 years. The other employee, Shri Ramsingh Devsingh, the co-applicant in TA No.1251/86 was engaged as Carpenter in the year 1979 only i.e. about 7 years after the initial engagement of the present applicant, at Porbandar on the ~~same~~ same VOP Project, but he has been absorbed and regularised as Carpenter against the quota of direct recruitment in terms of DRM(E) Bhavnagar Para's No.EE 1130/7/17 Vol.III dated 1.7.1991. He has been working as such on Bhavnagar Division since then. Copy of the Memorandum dated 1.7.1991 is annexed herewith as Annexure A/2.

A/2

Similarly one Shri Lalji Parshottam, who was engaged ~~as~~ as Carpenter on the VOP Project in the year 1974 and junior to the applicant has also been absorbed and regularised as Carpenter on Bhavnagar Division of the Western Railway like Shri Ramsingh Devsingh. There are number of such cases of this nature on all ~~the~~ the divisions. It is not correct to discriminate and give different treatment to the similarly situated persons on the same western railway. All the casual ~~labours~~ labours are required to be regularised in service on open line in relation to the division <sup>and post</sup> on which they were working in construction department against posts of identical nature. Shri Ramsingh Devsingh and Lalji Parshottam as referred to above also do not fulfil any of the eligibility condition mentioned in clause (i) to (iii) of para 6 of the reply. It is not true that no casual labour can be appointed as

(ub)

Carpenter directly. The appointment of the applicant against 40% construction reserve is purely temporary and on provisional basis and ~~he~~ has not conferred upon him the right to be ~~perment~~ permanently absorbed against the said post as cleared from the order issued to him and placed at Annexure A/2 of the original petition. The applicant had accepted the said order under protest by his letter dated 22.8.1989, produced by the applicant in the main petition at Annexure A/5.

Rest of the contentions made by the respondents in the reply are not correct and not admitted to be true and the applicant maintains the statements made by him in the ~~re~~ main petition and this rejoined and the rejoinder filed earlier.

Rajkot/Ahmedabad

Date: 18-2-1992

X *CHUDRI* (APPLICANT)

#### VERIFICATION

I, Baldev Shamji, applicant in the above matter do hereby verify that whatever ~~exists statement above~~ is stated above is true and correct to the best of my knowledge and belief.

Rajkot/Ahmedabad

Date: 18-2-1992

X *CHUDRI* (Applicant)

Through  
my office  
AGU to  
Rajkot

✓  
Reply/Rejoinder/written submissions  
filed by Mr. B-B. Chaudhary  
learned advocate for petitioner/  
Respondent with second set Undertaken  
Copy served/not served to the other side  
to supply copy to the other side  
Dt. 18/2/92 Dy. Registrar C.A.T. (J)  
A'bad Bench

A/H

(W)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

EXXNO.

198

T.A. No. 1251 OF 1986.

(R.C.S.NO. 264 OF 1982)

DATE OF DECISION 15.4.1987

SHRI BALDEV SHAMJI & 3 ORS.

Petitioners.

B.B. GOGIA

Advocate for the Petitioner(s)

Versus

THE UNION OF INDIA & ORS.

Respondents.

B.R. KYALA

Advocate for the Respondent(s)

FORAM :

The Hon'ble Mr. S.P. MUKHERJI, ADMINISTRATIVE MEMBER.

The Hon'ble Mr. P.M. JOSHI, JUDICIAL MEMBER.

C. A. T.

Ahmedabad Bench

Serial Number of the 'Application', 7A/1051/86

Advocate for the Respondent, B.B. GOGIA, Adv.

Advocate for the Petitioner, B.R. KYALA

Advocate for the Respondent, B.R. KYALA

Advocate for the Petitioner, B.B. GOGIA

Advocate for the Respondent, B.R. KYALA

Advocate for the Petitioner, B.B. GOGIA

Advocate for the Respondent, B.R. KYALA

Advocate for the Petitioner, B.B. GOGIA

Advocate for the Respondent, B.R. KYALA

U8

1. Baldev Shamji,  
Mafatia Para,  
Popat Para St.No.14,  
Near Bachubhai Dalal Bldg.  
Rajkot.

2. Raising Saibha,  
Post-Patangdi,  
Dist: Panchmahal.

3. Ramesh Bhanji,  
Village: Duvvalpur,  
Post. Wankner.

+ 4. Pravin Jivraj,  
39-M. Rukhadia Colony,  
Rajkot.

..... Petitioners.

Versus.

1. The Union of India,  
Owing & Representing  
Western Railway,  
through General Manager,  
Western Railway, Churchgate,  
Bombay.

2. The Executive Engineer  
(Construction),  
Western Railway,  
Kothi Compound,  
Rajkot.

..... Respondents.

### J U D G M E N T

T.A.NO. 1251 OF 1986  
(R.C.S.NO. 264 OF 1982)

Date : 15.4.1987

Per: Hon'ble Mr. P.M. Joshi, Judicial Member.

In this T.A. (R.C.S.No. 264 of 1982) there are 4 petitioners (viz; (i) Baldev Shamji, (ii) Raising Saibha, (iii) Ramesh Bhanji & (iv) Pravin Jivraj) who are casual labourers employed by the Respondents, whose services are sought to be terminated with effect from 16.3.1982 vide notice dated 6.3.1982. Being aggrieved by the

contd..... 3/-

said notice, they filed the Suit in the Court of Civil Judge (S.D) Rajkot on 16.3.1982 contending inter-alia, that the said notice was illegal and bad in law. They claimed the relief of declaration that they continue to be in the service of the Respondents-Railway Administration and they may be restrained from terminating their service. During the pendency of the Suit they have also claimed the relief of regularisation by seeking amendment to the petition vide order passed below Exh.27. According to the plaintiffs-petitioners they are in the employment since the year 1979 and they having acquired temporary status, their services can not be terminated without complying with the requirement of the Rules relating to the publication of the seniority list required to be maintained Division-wise.

2. Controverting the petitioners assertion about the nature and the tenure of the employment, it is stated by the Respondents in their Written Statement Exh.18, that they have no right to be absorbed and their services can not be regularised. According to them, the plaintiff-petitioners were employed for casual work on V.O.P. Project and the work being completed, it has been made

open for traffic with effect from 20.6.1980 and hence the petitioners are retrenched. During the pendency of the proceedings the plaintiff No.4 withdrew his claim on 22.12.1983.

3. When the matter came up for hearing neither the petitioners nor their Advocate Mr. B.B. Gogia were present. However Mr.B.R.Kyada, the learned counsel for the Respondents, who was present was heard. We are therefore constrained to decide the matter on merit on the basis of the pleadings and the documents brought on record.

4. The Respondents have not produced any seniority list which is required to be maintained and published as required under Rule 77 of the Industrial Dispute (Central) Rules 1957. No.,

contd..... //





with the length of the service of the petitioners as casual labourer, they deem to have acquired temporary status under the relevant provisions of Indian Railway Establishment Manual. Evidently therefore, the case of the petitioners is therefore covered by the Common Judgment dated 16.2.1987 rendered by this Bench in O.A.No. 331/81 (Sukumar Gopalan Vs. Union of India & Ors.).

5. Hence for the reasons stated in our said common judgment, we allow the application (R.C.S.No. 264/82) and quash the impugned notice dated 6.3.1982, qua the petitioners No. 1,2 & 3 with the direction that they may be reinstated with backwages treating them to be in continuous service of the Respondents and they may be absorbed in regular employment as Class-IV employees as and when empanelled after screening in accordance with rules.

The Respondents shall comply with the directions regarding reinstatement and backwages within a period of two months from the date of this judgment. There will be however no order as to costs.

Sd/-

( P.M. JOSHI )  
JUDICIAL MEMBER

Sd/-

(S.P. BHAKHERJI)  
ADMINISTRATIVE MEMBER

TRUE COPY

P.T.  
20/4/87

Deputy Registrar 20/4/87  
Central Admin. Tribunal,  
Ahmedabad Bench

True Copy

Advocate

A/2

Western Railway

Divisional Office  
Bhavnagar Port  
Dt: 7-91

No. EE/1130/7/17 Vol.III

-: MEMORANDUM :-

Sub. Trade Test -NG staff - Engr. Deptt. Carpenter Gr.III  
scale Rs. 900-1500(RP) against 25% Direct recruit quota.  
Ref: This office letter No.even dt. 28-1-91 and memo No.even  
dt. 1/3-4-91.

.....

In continuation to this office memo quoted above, further  
trade test of Carpenter Gr.III was held by IEN-BVP on 6.6.91  
against direct recruit quota and provisional result of the same  
is notified as under:-

<u>Sl.No.</u>	<u>Name</u>	<u>Design.</u>	<u>Unit.</u>	<u>Result.</u>
1.	Ramsingh Devsingh	CPTR skilled.	PWI(C) RJT.	Pass.

The above result is provisional and subject to the approval of  
Chairman, Trade Test panel and IEN BVP.

If any body has to represent, he should submit his represen-  
tation within one month from the date of issue of this memo.

Staff concerned may be revised accordingly.

for IEN(B)-BVP.

c/ IEN-BVP DJJ BTD JJA JJD PBR. PWI/IOWS BVP Divn.  
IOW(C) BVP, PWI(C) RJT, IEN(C) I.D.I. Memo file. P.file.  
PRT Ck.s/Sheet ck. Divl.Secy.WR/ENR BVP. (1 Copy).

nk.276 {हिन्दी पाठ}

इस कार्यालय के अधीनस्थ ग्रापन के क्रम में सीधी भर्ती कोटा के सामने कारपेन्टर ग्रेड 3  
के पद हेतु सईजी-भावनगर परा द्वारा दि. 6.6.91 को ली गई दस्तकारी परीक्षा  
का अन्तिम परिणाम अंग्रेजी पाठ में बताया अनुसार अधिसूचित किया जाता है।

उपरोक्त परिणाम अंतिम है और अग्र-दस्तकारी परीक्षा सामग्री एवं अग्र-भा-परा  
के अनुमोदन पर आधारित है।

यदि कोई अपवाद देना चाहे तो वह ग्रापन के जारा होने की तारीख से एक  
महीने के अंदर अपना अपवाद प्रस्तुत करे।

अंतिम कर्मचारियों को तदनुसार सूचित किया जाय।

TH.  
Noted to Ramsingh D  
CPTR  
04/7/91

True Copy

Advocate