

venkatesh

B
93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH.

O.A. No. 505 OF 1989.
Tax 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 ? ✗

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
with
to therein. While the applicant complied 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 with 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 jurisdi-
ction 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 he claims that

(6)

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 ^{u/s} 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 ^{u/s} 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.

Renu

(R.C.Bhatt)
Member (J)

Parv
14.7.92

(N.V.Krishnan)
Vice Chairman

vtc.

Slcue 431/89
19/9

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

BALDEV SHAMJI
(APPLICANT)

For use in Tribunals Office

Date of filing

or

Date of receipt by post

Registration No:

Signature
for Registrar

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

ORIGINAL APPLICATION NO: 565 /89

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

:: APPLICANT

~~XXXpresentXXX~~ was working
under PWI(C) RJT, Weste rn Railway
but present woking 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.

(XO)

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,

A/1

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 referrel scheme, it turned down the proposal and action of construction organisation as is evident from Annexure A/1.

v) Annexure A/1 shows total ~~marks~~ 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 defience 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.

viii) The applicant is meanwhile posted against 40% Const. Reserve post as Carpenter in time scale Rs.950-1500(RP) on temporary basis. Copy of the order-memo dated 29.6.1989 is annexed herewith as Annexure A/2.

A/2

ix) The applicant is ordered to be transferred and report to Dy. CE(S&C)KCP at Kota (Chitorgarh) in terms of PWI(C)Bhavnagar 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 ~~xxxa~~ rule No. 2501

A/3

(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 ~~xxxa~~ labour."

This honourable Bench of CAT in OA No. ~~1988~~ 11/1986 of A 38/86 dated ~~on 30-1-1987~~ decided 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.

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

A/5

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

A/6
cum.

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)
- 2) Name of the issuing Post Office
- 3) Date of issue of Postal Order(s)
- 4) Post Office at which payable

: Df 227177
 : Mochi Bazar Rd
 : 18-9-89
 : Aibul

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

14/9/89 21177
 (APPLICANT)

Through: *Mr. B. B. Gogia*
 Shri B.B.Gogia,
 Advocate,
 RAJKOT

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

Dt: 9/4/89 *C. J. Khan*
 By Registrar C.A.T.U
 A'bad Bench

Annex A-1

WESTERN RAILWAY

NOTE/615/1/33 (Project)

Divisional Office,
Rajkot

Dt. JAN. 12, 1989

Dy. CE (West) ADI
Dy. CE (C) ADI ✓

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

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 as also a list of 14 semi-skilled Khallasies was furnished to this office and the seniority of these casual labours was notified via this office number of even dated 25.9.1987.

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 25.9.1987 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 25.9.1987 after following the provisions of I.D. Act.

DRM (E) RAJKOT
DRM (E) RAJKOT 12/1/89

e.c.t.o:

AEN SRB (MG)
AEN AMI
AEN SUNR
AEN (I) & (II) RJT
AEN JAM

for information and necessary action.

True Copy.

VS
Advocate

Annex A-2

No. 7447, B40/L.

MEMORANDUM.

Office of the Executive
Engineer(Construction),
Western Railway, Jamnagar.
Dtd 29/06/1989.

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.

GT-7171
XEN(C)JAM.

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

True Copy

(AP)

Advocate

GT-7171
XEN(C)JAM.

2116

Annex A-3

प रे. / W. R.

जी 29 बी C 29 B

संख्या/No. P.441/ए.इ. ४५४/१ दिनांक/Dated ११-८-१९४९.

प्रेषक / From. प्रभाली. डॉ. विजय शर्मा ... सेवा में / To. मानव सेवा विभाग

at Raykot K.C.P. at C.O.R.

विषय/Sub : Promotions, Reservation & Transfer of class

रांदमं/Ref: 111 - Key, Cover, Reserve Posts.

» XBT (S JAM's Memorandum to SAM/PSU) 1
Dated 9-8-89.

Informing of his resuming duty, cited above
Shri Baldev Shampi Carpenter (M.C. Const.
Reserve Staff) Grade B 950 - 1500 (R.P.) is
hereby relieved to report his duty at your
convenience.

He is entitled for all transfer benefits ^{BFF}

The pay has been drawn up to 16-8-89
by this office, further may be drawn at
your's accordingly. The rate of pay Rs 90/-

~~Copy to XPER (S) TAN/MSAO (S) RMT/PRW I (C) RYP~~

Information

४. नि. (नि) भाष्यकार

Bugoyee (concretes)

W. Rly.

परिवहन संस्था WESTERN RAILWAY

B.V.P.

द्वितीय ध्रेणी मुफ्त पास

SECOND CLASS FREE PASS

वे रे

(दूर रेलवे Foreign Line)

भारतीय रा

संस्था संस्था

Stamp

A 215372

इसके प्रत्येक वयस्क 50 कि.ग्रा. बजन तथा प्रत्येक श्रव्यस्क इसके माला बजन तक का तामाज नियुक्त से जा सकता है। With 50 Kilograms Luggage Free for each Adult and Half the quantity for each Child.

विभाग Dept. रेलवे अधिकारी द्वारा दिया गया याता विराम का नाम राजकीय रेलवे अधिकारी द्वारा दिया गया याता विराम का नाम है।

विभाग Date 16.8.89

नाम Pass. Shri Baldev Shami Only

पदानाम Designation G.P.T.R.

From Rajkot

To Chittorgarh

Via

होकर तथा कर्तव्यीय याता and Return

From

से To

Via

होकर Over Railways

कब से कब तक वहियाता Outward Journey

Available upto

{ 16-8-89 to 15-9-89 }

वापसी याता Return Journey

पासदारी के हस्ताक्षर/अंगूठे की छाप। यदि कर्मचारी स्वयं याता नहीं कर रहा

हो तो परिवार के मुख्य व्यक्ति द्वारा हस्ताक्षर किये जाने चाहिए। प्रत्येक व्यक्ति वह

प्राप्तिकाल हो तो अपने अंगूठे की छाप लगानी चाहिए। (याता आरब करते जाते तुम्हारा Outward Journey

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 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

वापसी समय Return Journey
Signature and Designation of the issuing Officer with Seal

True Copy

Advocate

नं. १८ GP 13 / भार R १

याता विराम की प्रमुखता Permission to Break Journey at

वहियाता Outward Journey

वापसी याता Return Journey

किया गया याता विराम का नाम है।

Break Journey as availed to be filled in by the Employees

स्टेशन का नाम Name of Station	याता विराम की Break Journey availed	जाते हुए Outward	प्राप्ति हुए Return
1. पहुंचने की तारीख Date of Arrival रवानगी की तारीख			
2. पहुंचने से तारीख Date of Departure रवानगी से तारीख			
3. पहुंचने की तारीख Date of Arrival रवानगी की तारीख			
4. पहुंचने की तारीख Date of Arrival रवानगी की तारीख			
5. पहुंचने की तारीख Date of Arrival रवानगी की तारीख			

(क. प. क. P. T. O.)

Annex A-4

11
19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. As per sheet attached.
T.A. No. 198

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. Doshi, 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 18 (Twenty)
(e) Copying fee charged
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Rs.

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

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DA/1/86, DA/38/86, DA/41/86, DA/203/86, DA/274/86,
DA/287/86, 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

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.

3/- The cases before us involve transfer of Casual Labours from one division to another. In some cases viz. DA/440/86, DA/306/86, TA/185/86, in SCA/515/82, DA/309/86, DA/308/86, DA/274/86, DA/203/86, DA/442/86, DA/348/86, DA/38/86, DA/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. DA/36/86, DA/41/86 transfer have been ordered without issue of Railway pass.

In one case DA/362/86 the applicant is sent 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. DA/1/86 and DA/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 DA/1/86 and DA/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 inspite 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 division 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:-

Definition:-

"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

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 as are necessary for regular labour may not have been prepared for casual labour, the



principle of the last come first go operates and the 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 sporadic 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 interest 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

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 empannelled 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.

/Contd...8/

7/- Rule 2514 of the Manual states that the casual labour comes within the purview of the term workman under Section 2(5) 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 or 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.

/Contd...9/



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, seniority lists on the basis of the last come first do 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 at least 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.

(ii) 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

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 ?

(26) *2A*
/Contd....12/



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 the 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 muddle 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 cannot ~~not~~ claim preference on the basis of his seniority in the originating division.

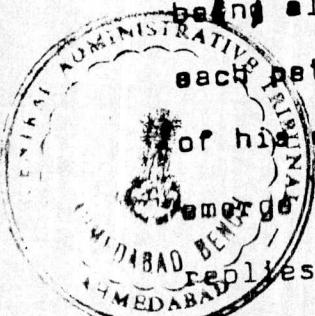
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13/- We therefore hold that the transfer of the applicants in the batch of cases before us is bad unauthorised and where there are orders, they have to be quashed and set aside. We direct that the respondent prepares seniority lists divisionwise as 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 DA/1/86, DA/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 DA/339/86, DA/375/86, DA/392/86, DA/370/86 and DA/356/86 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 DA/1/86, DA/297/86 the petitioners



/Contd...15/

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 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 petitioners 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 be at Jaipur this benefit will continue. In all other cases viz.

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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
reascribed 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 P.T.F.
18.08.89

Composed by P.T.F.
18.08.89

TRUE COPY

12, Sat 19
18.08.89
K. B. SANE
Section Officer
Central Administrative Tribunal,
Ahmedabad Bench.

True Copy
(*Signature*)
Advocate

Annex A-5

ReqdgA.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 protest, reserving my ~~existig~~ right to dispute it.

Thanking you.

Yours faithfully,

00784 211772

(Baldev Shamji).

Copy to :-

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

True Copy

(*AS*)

Advocate

Annex A-6

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પ્રાપ્તિ સ્થિકતિ (રસીદ) ACKNOWLEDGEMENT પહોંચ

- એક દીગા / પત્ર / પોસ્ટકાર્ડ / પેકેટ / પાર્કેટ પાત્ર હુંણ
- આં રજૂસ્ટરેડ કરેલ પત્ર / પોસ્ટકાર્ડ / પેકેટ / પાર્કેટ માન્યુ / માણયો.
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NO.:

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The A.G.N.C
Western Railway

Rajkot

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Advocate

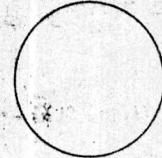
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INDIAN POSTS AND TELEGRAPHS DEPT.

SENDER'S ADDRESS મોકલનારનું સંરનામ્યુ
મર્જાનેવાળેનું પતા

ਕਾਰੀਕਾ - ਮੋਹਰ
ਤਾਰੀਖ - ਸਿਕੜੀ



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Balderbhai Shamji bhai
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Advocate

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मार्टीय ट्रांस अने टॉक विभाग
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~~Part 1~~ Balderhals

Shanghai

Patukwae - 14

Near Wantage/Leamore

Rajkot

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Advocate

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
AHMEDABAD

ORIGINAL APPLICATION NO. 505 OF 1989

16-1-90
Shri Baldev Shamji : Applicant

Versus

Union of India & Ors : Respondents
Western Railway

REPLY BY THE RESPONDENTS

10-1-90
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.

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 tempoary 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

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, 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 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.

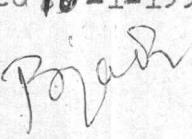
6 As will be seen from the above recitation, the Applicant belongs to 40% Construction Reserve staff category which is liable to be transferred from project to project depending upon the availability of work. Under the circumstances, the spirit of various decisions of this Hon'ble Tribunal as also of 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 ^{10th}
10-1-1990

For & on behalf of the
Union of India


(B.R.Kyada)
Advocate for
Respondents


Executive Engineer(Const.)
Ahmedabad
Western Railway

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VERIFICATION

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: 10/1/1990

Executive Engineer(Const.)
Ahmedabad
Western Railway

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

Dt: 10/1/90

Dy. Registrar C.A.T.
A'bad Bench

Annexure-I

Copy of Board's letter No.E(NG)I-74CFP/40
dated 17-9-74 addressed to the General Managers,
All Indian Railways.

Sub:-Appointment and confirmation against
Construction Reserve in Cl.IV

Please refer to Bd.'s letter No.E(NG)III-69CP/42
dt.24-12-73 authorising formation of a construction
reserve consisting of 40% of the temp. NG posts on
projects including Open Line works costing more
than Rs.4 lakhs. Thereafter, in a letter of the same
No.dt.5-2-74, it was mentioned that these instruc-
tions 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 have decided that for working
out the No.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. Such posts
are Peons, lascars, trolleymen,daftaries, vehicle
drivers, plant operators,attendants and chowkidars.

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

3. The Class IV construction reserve sanctioned as
above will constitute a floating cadre and the posts
as also the staff will be shifted from project to
project.

*Time cost
Mr. B. P. R. Jaiswal*

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

ORIGINAL APPLICATION No: 505/89.

Baldev Shamji
RAJKOT

37
:: APPLICANT

Versus

Union of India & Others

37
:: 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 :

BBK

"ll. 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)...



... (2) ...

✓
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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 Carpentors working on Rajkot Division and Carpentors 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 Carpentor. 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) ...

(3)

"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) ...

10/15

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 O.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

Case No. 21112

(APPLICATION)

Identified by :

Mr. N.
(Advocate)

affirmed before me by
Shri... Baldev Shewani
who is identified by Advocate
Shri... B. B. Bagaria, Ady
who is known to me.

Rajkot. Dated- 20-8-90

Naresh

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



Reply/Rejoinder/written submissions
filed by Mr. B. B. Bagaria,
learned advocate for petitioner/
Respondent with copy
Copy served/not served on other side

Dt. 28/8/90

Dy. Registrar C.A.T. (O)
Abed Beach 28/8/90

116
11
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 Artisan 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 only 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 the vacancies 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 factor as his eligibility for absorption as Carpenter and if he is eligible then the question of SC/ST does not arise. The basic qualification i.e. eligibility 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

W3

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.

Dt: 11-2-92

For and on behalf of the
Union of India.

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

V E R I F I C A T I O N.

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

Filed in court 11/2/92
by Mr. B.R. Kyada, court
to record & take on record on 11/2/92
at court
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 WRITING

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
therein are not correct.

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

*understan
to supply
Copy to Mr
Kylde
18/2*

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

(U)

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) B 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 ~~in~~ 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 ~~in~~ labours are required to be regularised in service ~~on~~ open line in relation to the division ^{and post} 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 ~~xxxxxx~~ has not conferred upon him the right to be ~~permanent~~ 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 ~~xx~~ main petition and this rejoined and the rejoinder filed earlier.

Rajkot/Ahmedabad

Date: 18-2-1992

X CUST R/1172
(APPLICANT)

VERIFICATION

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

Rajkot/Ahmedabad

Date: 18-2-1992

X CUST R/1172
(Applicant)

Through
my Adv.
Advocate
Rajkot

Copy/Rejoinder/written submissions
filled by Mr. B-B. (Gogia)
learned advocate for petitioner
Respondent with ~~second set~~ undertaken
Copy served/not served a/c to ~~copy~~
to supply copy on the other side
D. 18/2/92 maeewm
Dy. Registrar C.A.T. (J)
Ahmedabad Bench

A.D
W

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

DX/NO. 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. COGLA

Advocate for the Petitioner(s)

Versus

THE UNION OF INDIA & ORS.

Respondents.

B.R. KYADA

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' 70/10/1/86
Petitioner's Name - B.B. Cogla, Adm.
Date of filing of application for copy 16/4/87
(Received by the Secretary)

Serial Number of the 'Application' 70/10/1/86
Petitioner's Name - B.B. Cogla, Adm.
Date of filing of application for copy 16/4/87
Date of filing of application for copy 20/4/87
Date of filing of application for copy 21/4/87

UD

1. Baldev Shamji,
Mafatia Para,
Popat Para St.No.14,
Near Bachubhai Dalai Bldg.
Rajkot.
2. Raising Saibha,
Post-Patangdi,
Dist: Panchmahal.
3. Ramesh Bhanji,
Village: Dhamalpur,
Post: Wankhedi.
4. Pravin Jivraj,
39-M. Rukhadia Colony,
Rajkot. Petitioners.

Versus.

1. The Union of India,
(wing & Representing
Western Railway,
through General Manager,
Western Railway, Churchgate,
Bombay.)
2. The Executive Engineer
(Construction),
Western Railway,
Kothi Compound,
Rajkot. Respondents.

JUDGMENT

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

(JG)

said notice, they filed the Suit in the Court of Civil Judge (S.P.) 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.,

(RJ)

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 Copalan 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/-

Sd/-

(P.L. JOSHI)
JUDICIAL MEMBER

(S.P. MUKHERJI)
ADMINISTRATIVE MEMBER

TRUE COPY

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

True Copy
1/2/87
Advocate

P.L.J.
20/4/87

A/2

Western Railway

Divisional Office

Bhavnagar Para

No. 2E/1130/7/17 Vol.III

Dt: 1-7-91

(S)

:- HEAD/NDUR :-

Sub: Trade Test - NC staff - Engg. Carpenter Gr.III
scale Rs. 900-1200(A.P) 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 LSN-BVP on 6.6.91
against direct recruit quota and provisional result of the same
is notified as under:-

Dr. No.	Name S/Shri	Design.	Unit.	Result.
1.	Ramsingh Devsingh	CPTK skilled.	PWI(C) RJT.	P.W.D.

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

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

Staff concerned may be revised accordingly.

Concl'd
for LSN(B)-BVP.

c/ LSN-BVP BLD BTD JLR JLR PBR. PWI/IOWS BVP Divn.
IOW(C) BVP, PWI(C) RJT, KEN(C) ADI. Memo file. P.file.
PRT Ck.s/Sheet ck. Divl. Secy. WLSU/WADU BVP. (2 Lms).

nk.276 हिन्दी पाठ

इस कागजिय के अधीन शापन के त्रुम में सीधी भर्ती कोटा के सम्मने कारपेन्टर ग्र.3
के पद रेतु सईजो-भावकार परा द्वारा दिन 6.6.91 को ली गई दस्तावरी परीक्षा
का कलिक्षण परिणाम अंग्रेजी पाठ में बताये जानार अधिकृति दिया जाता है।
उपर्युक्त पाठ रणनीति अनुसार है और अप्रदर्शकारी पाठ है। प्राप्ति एवं आवेदन
के अनुमोदन पर आधारित है।

कोई अंग्रेजी अवधेन दे त चाहे तो यह शापन के बारा छोड़े की ताकी परे एवं
मार्गे दे त लाना अंग्रेजी प्रत्यक्ष नह है।

अधिक अंग्रेजीयों की तदानुपार दूषित दिया जाय।

True Copy

M.M.

Advocate

Th. Ram Singh
No. 6
CPTK
e/ 1/91