

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW DELHI~~

O.A. No.

269

OF

1991

~~T.A. No.~~DATE OF DECISION 20-08-1991Mr. Guruswamy Valaytham & Others PetitionerMr. Y. V. Shah

Advocate for the Petitioner(s)

Versus

Union of India & Others

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh

: Administrative Member

The Hon'ble Mr. S. Santhana Krishnan

: 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?

1. Guruswamy Valaytham
2. Arjunan Murugan,
3. Sangamuthu Muthukannu
4. Kulanji Manjamuthu
5. Thangvel Palamuthu
6. Thirusang Chinaman
7. Natesan Veeran
8. Ayaswamy Nallasai
9. Thivani Guruswamy
10. Kallamal Singamuthu
11. Muniamma Thirusang
12. Dogampal Ayakanna
13. Anjamma Thangvel
14. Tanam Kolanji,
15. Kamalam Mandhramurthi
16. Kasi Nallan
17. Ammasi Pampan
18. Kanti Rajmanikam
19. Rajmanikam Murugan
20. Eruchammal Ayyadurai
21. Anjalai Kannaperan
22. Papa Kasi.

C/o.Chief Permanent Way Inspector,
Western Railway,
Pardi,
Dist.Valsad.

...Applicants.

(Advocate : Mr.Y.V.Shah)

Versus

1. Union of India
through the General Manager,
Western Railway,
Churchgate,
Bombay - 20.
2. Chief Permanent Way Inspector,
P.Q.R.S.,
Western Railway,
Pardi,
Dist. Valsad.
3. Assistant Engineer,
P.Q.R.S.,
Western Railway,
Valsad.

... Respondents.

O.A. NO. 269 OF 1991

O R A L - O R D E R

Date : 20.08.1991.

Per : Hon'ble Mr.M.M.Singh : Administrative Member

This application is filed by 22 applicants,
Railway employees working as casual labourers whose
allegations are that they have not been regularised in
service by absorbing them as Class-IV, permanent employees

...3..

despite their having worked as casual labourers since last about 10 years continuously.

2. We have heard Mr. Y.V.Shah, learned counsel for the applicants and perused the records. There is an application for permission for filing ~~up of~~ one application by the 22 applicants.

3. There can ~~not~~ be two opinions on the issue that regularisation ~~proceeding~~ ^{proceeds} on the basis of seniority of casual labourers ~~and their right to~~ ^{whose} regularisation arises on the basis of their placement in such a seniority list to be considered. ~~Thus~~ ^{for} is the right of an individual employee. It is possible to consider ~~the~~ ^{or} common application from a number of such ~~an~~ ^{as} employee ~~provided~~ ^{as} they figure ~~consequently~~ ^{consecutively} in seniority list and their allegations ~~that~~ ^{any} many of their juniors have been regularised and they have been left out from consideration. There is a general allegation in para-6-D, of the application that juniors have been regularised in service, whereas name of no such junior and his placement in the seniority list as compared to any or more of the applicants in ~~seniority list~~ ^{the same} has been stated. There is no mention in the application about the date of recruitment of each of the applicants and whether they have been recruited on the same date and also figures ~~consequently~~ ^{consecutively} in the seniority list.

4. It is the contention of Mr. Y.V.Shah, that ~~Rule-(4) (5) (A)~~ ^{of the Central Administrative Tribunal (Procedure) Rules} provides filing ~~of~~ ^{up} a application by more than one person if a cause of action and nature of relief and commonness of interest exists. So far as the cause of action and nature of relief is concerned it is one and the

same for all the applicants. ^{Mem} While we examine the matter ⁱⁿ of commonness of interest, ^{with} ~~with any~~ matters of seniority each government servant's seniority position is unique which he does not share ⁱⁿ in any other government serv.

This concept of unique seniority position of a government

servant can be enlarged ^{to} if they cover more than one person ^{figuring} ~~Consequently~~ ^{with no} in common consequent figure, in a seniority list and ^{no} other.

^L Except in cases covered ⁱⁿ ~~In consideration, no cover by/position, their commonness~~ of interest will not be existed. It is the contention of

Mr.Y.V.Shah, that the divisionwise combined construction

and open line casual labourers seniority list have yet

not been prepared and notified to the applicants. If

that is the allegations and the grievance of the


applicants, ^{that} they have to file a proper application


with appropriate relief with regard to ^{in failure of} file the respondents

to prepare and publish a seniority list. We find that

the relief sought is different from this grievance.

5. In view of the above, we find no grounds to permit the filing ^{of} up one application by the 22 applicants herein and ^{wherefore held} also find that the application does not deserve any further consideration. We therefore, reject it.


(S.Santhana Krishnan)
Member (J)


(M.M.Singh)
Member (A)

AIT