

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 336 OF 1991
~~XXXXXX~~

DATE OF DECISION 10.02.1992.

Shri Natarajan Karuppan and Ors. Petitioner

Shri Akil Kureshi Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr.

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. Natarajan Karuppan,
 2. Sinnaswamy Karuppan,
 3. Laxmi Ayyam Perumal,
 4. Periya Thambi Sengamalam,
 5. Sinnaswamy Amnavasai,
 6. Periamma Anandan,
 7. Chinna Pillai Mottaian,
 8. Velu Swamy Chinnaswamy,
 9. Periamma Marudai,
 10. Amritham Muthaian,
 11. Jyoti Anand,
 12. Kannaiah, 13. Govindaswamy
 14. Veerama
- C/o. Office of the Chief Engineer
(Construction), Western Railway,
Second Floor,
Station Building,
AHMEDABAD - 380 002.

...Applicants.

(Advocate : Mr.Akil Kureshi)

Versus

1. The Union of India,
(Notice to be served through :
the General Manager,
Western Railway,
Churchgate,
Bombay.)
2. The Chief Engineer (Construction),
Western Railway,
Second Floor,
Station Building,
AHMEDABAD - 2.
3. The Assistant personnel Officer,
Rajkot Division,
Western Railway,
Rajkot.

...Respondents.

(Advocate : Mr.N.S.Shevde)

ORAL JUDGMENT
O.A. No. 336 OF 1991.

Date : 10.2.1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

Heard Mr.Akil Kureshi, and Mr.N.S.Shevde,
learned advocates for the applicant and the respondents.
This application is filed by the 14 applicants under

...3...

Section 19 of the Administrative Tribunals Act, 1985, praying that the decision of the respondents to shift the applicants from construction division, Ahmedabad, to Open line Rajkot Division, be quashed and set aside. No impugned order is annexed to this application.

In para-3, of the application, it is mentioned :

Order No : "NIL" . The ^{averment} ~~grievance~~ of the applicants ^{is} found from the application ^{is} that they have started their employment with the Western Railway in V.O.P. Viramgam - Okha-Porbandar Project in Survey and Construction Department under the Chief Engineer (Construction) Ahmedabad, that all the applicants are serving as casual labourers in different divisions but they are under the Construction Division under the Western Railway. It is alleged that the applicants have been given temporary status by the respondents. It is alleged that this Tribunal vide its order dated 26th April, 1990 in O.A./644/87, had given direction to the Railway to regularise the services of the applicants vide Annexure-A/1. It is alleged that the respondents have screened the applicants. The copy of one such intimation received by the applicant no.10, ^{is} at Annexure-A/2. It is alleged that the respondent no.3, is from the Open Line Rajkot Division, ^{on} It is alleged by the applicants that shifting the applicants from Construction Division ^L to Open Line, Rajkot Division, their seniority in Construction Division would be completely disturbed. It is further alleged that if the applicants are absorbed in the Construction Division their past services in the Construction Division would be taken into account for all purposes

whereas if they are absorbed in the Open Line, Rajkot Division, their past services will not be considered at all.

2. The application is admitted. The respondents have filed reply resisting the application.

3. The learned advocate for the applicants today

produced before me a copy of memorandum dated 19/20th/3/91.

on the subject of the "Empanelment of VOP (Project)

Casual Labourers. He submitted that this copy was

given to him by the learned advocate for the respondents.

But the list of the empanelment was provisional one and

hence he has the objection against it. However, the

learned advocate Mr. N. S. Shevde, for the respondents

submitted that this was not the memorandum pertaining

to the applicants nor was the same supplied to the

applicants. He submitted that the memorandum dated

13th September, 1991, on the subject of regularisation of

services of V.O.P. Casual Labourers applies to the

applicants. He submitted that these applicants have

been screened, except the applicant no. 13, who did not

attain the screening. He submitted that all the

applicants except the applicant no. 13, are sent to

the originating division which is clear from the reply.

So far as the question of seniority raised for the

applicants is concerned, Mr. N. S. Shevde, submitted that

the Construction Department does not maintain the seniority

of the casual labourers. It is also contended in the

reply that as casual labourers are called for screening

on the basis of number of days service put in by them

i.e., according to their seniority and as such the

question of losing the seniority by the applicants, who

are screened and absorbed by the Rajkot Division does not

whereas if they are absorbed in the Open Line, Rajkot Division, their past services will not be considered at all.

2. The application is admitted. The respondents have filed reply resisting the application.

3. The learned advocate for the applicants today produced before me a copy of memorandum dated 19/20th/3/91,

on the subject of the "Empanelment of VOP (Project) Casual Labourers. He submitted that this copy was

given to him by the learned advocate for the respondents.

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applicants. He submitted that the memorandum dated 13th September, 1991, on the subject of regularisation of services of V.O.P. Casual Labourers applies to the applicants. He submitted that these applicants have

been screened, except the applicant no. 13, who did not *attend* ~~attained~~ the screening. He submitted that all the

applicants except the applicant no. 13, are sent to the originating division which is clear from the reply.

So far ~~as~~ the question of seniority raised *by* ~~for~~ the

applicants is concerned, Mr. N. S. Shevde, submitted that

the Construction Department does not maintain the seniority of the casual labourers. It is also contended in the reply that as casual labourers are called for screening

on the basis of number of days service put in by them

i.e., according to their seniority and as such the

question of losing the seniority by the applicants, who

are screened and absorbed by the Rajkot Division does not

arise. The Construction Department is a Temporary Department. Hence, the order dated 13th September, 1991, for absorption can not be even questioned on the grounds of the alleged seniority. The respondents have denied in the reply that by shifting the applicants from Construction Department to the Open Line Department, Rajkot Division, their seniority in Construction Department would be completely disturbed.

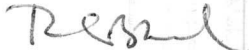
4. The Construction Department is not a division and the originating department of the applicants is Rajkot Division, and therefore, if they have to be absorbed in the Rajkot Division, they cannot have any complaint.

5. In view of this position about the absorption of the applicants except applicant no.13, as per the memorandum dated 13th September, 1991, the applicants can have no grievance because they are being shifted to the originating division. Hence on merits the application fails. If the applicants are not willing to go to the originating division, then they may give their intension in writting to the authority concerned.

ORDER

The application is disposed of.

No order as to costs.


(R.C.Bhatt)
Member (J)

AIT