

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

**O.A. NO.** 79 of 1992

~~**O.A. NO.**~~

DATE OF DECISION 18.8.1994.

Shri Soma Manga and ors. Petitioner

Shri P.K.Handa Advocate for the Petitioner (s)

Versus

Union of India and ors. Respondent

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

**CORAM**

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

The Hon'ble ~~Mr~~ Dr. R.K.Saxena : Member (J)

**JUDGMENT**

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

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1. Soma Manga,
2. Rasik Rama
3. Kanti Chhagan,
4. Poona Khetak,
5. Ramsingh Chimsa
6. Karsan Raisingh
7. Arvind Budha
8. Kiran Sana
9. Kediya Jania,

...Applicants.

Address for service of notices :

C/o.P.K.Handa,  
Advocate,  
Opp.Apsara Talkies,  
Above Pratapnagar Post Office  
Vadodara - 390 004.

(Advocate : Mr.F.K.Handa)

Versus

1. Union of India,  
Ministry of Railways,  
Notice to be served through  
General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 020.
2. Divisional Railway Manager,  
Western Railway,  
Pratapnagar,  
Vadodara - 390 004.
3. Sr.Divisional Engineer (I),  
DRM Office,  
Western Railway,  
Pratapnagar,  
Vadodara - 390 004.

...Respondents.

(Advocate : Mr.N.S.Shevde)

J U D G M E N T  
O.A.NO. 79 OF 1992.

Date : 18.8.1994.

Per : Hon'ble Mr.K.Ramamoorthy : Member (A)

The applicants have been working as casual labourers/substitutes in the Engineering Department of the Respondent-Railways at Dabhoi from various dates ranging from 1969 to 1979 and their services were

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terminated on 25.9.1987 . It is the contention of the applicants that the screening formalities were to be completed by 15.12.1990, but for some reasons, this actually did not take place. The applicants therefore, have sought that the respondents may take early action to absorb them as regular employees. The respondents had taken objection to this group application since the applicants were the persons who were engaged on vaying datēs. It is the contention of the respondents that the railways had a big load of casual work for which they have to take casual labourers and combined seniority list of such casual labourers is kept so that they could absorb at the reasonable period of time. It is the further contention of the respondents that the seniority of the casual labourers is kept for absorption purpose as per the division and not unit-wise and the absorption is done after screening as per the divisional seniority. The respondents have averred that the present applicants were not due for such an absorption as per their divisional seniority and that the contention raised by the applicants that they were actually called for screening in 1990 was not borne out by the facts. The letters at A-1 and A-2 only relate to the administrative instructions given to the various departmental heads to keep the screening lists ready which was a routine kind of exercise, enjoined on all the departmental heads.

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2. On going through the averments made by the respondents and the rejoinders thereon, it is clear that the applicants have not been able to conclusively either prove overall seniority within the division or prove any particular discrimination for their being keeping out. It is true that three cases have been cited of absorption of casual labourers who were admittedly junior to some of the present applicants. But it is also seen that these are special cases due to compassionate appointments or transfers which the railways do make as a part of their welfare measures.

3. The respondents have averred that the names of casual labourers who are in the employment kept on live register is prepared according to the instructions of the General Manager and according to the seniority. The present applicants will also be called for screening in due course according to availing of posts. Since the applicants have thus not proved their case for immediate absorption, the application fails, and is dismissed.

No order as to costs.

  
(Dr. R. K. Saxena)  
Member (J)

  
(K. Ramamoorthy)  
Member (A)

ait.



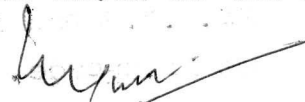


MA/846/95 in OA/79/92

Date	Office report	Order
21.12.95		Mr.N.S.Shevde states that he has not received the copy of M.A. Adjourned to 23.1.96. Meanwhile applicant may see that copy is to be furnished to them.  (K.Ramamoorthy ) Member (A)
23.1.96		Leque note filed by Mr.Handa. Adjourned to 30.1.1996.  (K.Ramamoorthy ) Member (A)
30.1.96.		Issue notice on M.A./846/95 returnable on 13.2.1996.  (K.Ramamoorthy ) Member (A)
13.2.96	READ 201/1 Ann Rull No-3	ait.  Adjourned to 29.2.96, at the request of Mr.Shevde for filing reply.  (K.Ramamoorthy ) Member (A)
		*ssh



Date	Office report	Order
29.2.96		<p>At the request of Mr.N.S.Shevde, the matter is adjourned to 14.03.1996.</p> <p style="text-align: right;">R (K.Ramamoorthy ) Member(A)</p> <p>npm</p>
14.3.96	<p><i>Repl filed by Shri. N.S.Shevde</i></p>	<p>Heard Mr.P.K.Handa. Mr.Shevde is not present. Adjourned to 2.04.1996.</p> <p style="text-align: right;">R (K.Ramamoorthy ) Member(A)</p> <p>npm</p>
2.4.96		<p>Being a Division Bench matter, adjourned to 18.04.1996.</p> <p style="text-align: right;">R (K.Ramamoorthy ) Member(A)</p> <p>npm</p>
18.4.96		<p>Being a Division Bench matter, adjourned to 10.06.1996.</p> <p style="text-align: right;">R (K.Ramamoorthy ) Member(A)</p> <p>npm</p>

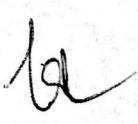
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Date	Office Report	ORDER
10-6-96		<p>Mr.Handa is not present. Adjourned to 18-7-96.</p> <p> (V.Radhakrishnan) Member (A)</p>
18.7.96.		<p>*ssh</p> <p>Being a Division Bench matter, adjourned to 22.8.1996.</p> <p> (K.Ramamoorthy) Member(A)</p>
22.8.96		<p>ait.</p> <p>At the joint request of the learned counsel adjourned to 11.09.1996</p> <p>In the meantime counsel for the applicant to file order passed by this Tribunal in OA/711/96.</p> <p>MA/846/95 is not shown in the board, which may be shown in the board.</p> <p> ( T.N. Bhat ) Member (J)</p> <p> ( V.Radhakrishnan ) Member (A)</p>
11.9.96.	NPM	<p>Being a Division Bench matter, adjourned to 17-10-1996.</p> <p> (K.Ramamoorthy) Member(A)</p> <p>ait.</p>

Date	Office Report	ORDER
17.10.96.		<p>Being a Division Bench matter, adjourned to 22.11.1996.</p> <p style="text-align: right;">(K.Ramamoorthy) Member(A)</p>
22.11.96.		<p>Being a Division Bench matter, adjourned to 31.12.1996.</p> <p style="text-align: right;">(K.Ramamoorthy) Member(A)</p>
31.12.96		<p>Being a Division Bench matter, adjourned to 13.01.1997.</p> <p style="text-align: right;">( K.Ramamoorthy ) Member(A)</p>
13.1.97		<p>Mr.P.K.Handa is not present. At the request of Mr.Shevde, adjourned to 21.01.1997.</p> <p>( T.N. Bhat ) Member (J)</p> <p>( V.Radhakrishnan ) Member (A)</p>
<del>21.1.97</del>		<p><del>Being a Division Bench matter, adjourned 13.02.1997.</del></p> <p style="text-align: right;">( V.Radhakrishnan ) Member(A)</p>



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Date	Office Report	ORDER
21.1.97		<p data-bbox="641 305 837 354"><u>M.A.846/95</u></p> <p data-bbox="641 379 1381 428">Both the learned advocates are present.</p> <p data-bbox="641 453 1472 502">Mr.P.K.Handa does not want to press the MA.</p> <p data-bbox="641 527 1412 576">M.A. stands disposed of as not pressed.</p> <div data-bbox="988 576 1351 773"> ( V.Radhakrishnan ) Member (A)</div> <p data-bbox="610 847 671 896">npm</p>

ADMINISTRATIVE TRIBUNAL  
MEDABAD BENCH

Application No. CA/79/92 of 19

Transfer Application No. \_\_\_\_\_ Old W. Pett.No

CERTIFICATE

Certified that no further action is required to be  
taken and the case is fit for consignment to the  
Record Room (Doc. No. \_\_\_\_\_)

Dated : 27.09.94

Countersigned :

27/9/94

Section Officer/Court officer

ccccc  
Signature of the Dealing  
Assistant

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