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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO:371 OF 1990

Date of decision: January 18, 1994

Guru Charan Swain and others ... Applicant

Versus

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters not? M
2. Whether it be referred to all the Benches of the Central Administrative Tribunals or not ?

18 Jan 94
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

18 JAN 94

18/1/94
(K. P. ACHARYA)
VICE-CHAIRMAN

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 371 OF 1990

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Guru Charan Swain & others	...	Applicants
vs.		
Union of India & Others	...	Respondents
For the Applicants	...	Mr. H. M. Dhal, Advocate
For the Respondents	...	Mr. L. Mohapatra, Standing Counsel (Railways).
...		

C O R A M:-

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

&
THE HONORABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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O R D E R

K. P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioners (11 in number) pray for a direction to the Opposite Parties to fix the seniority of the petitioners from the date of their initial appointment in the casual establishment of Opposite Party No. 4 or in the alternative from the date on which they were given temporary status.

2. Shorn of unnecessary details, it would suffice to say that all the petitioners joined as casual labourers under the Opposite Parties and except Petitioner Nos. 9 and 10 all were given temporary status on 1st January, 1981 and petitioner Nos. 9 and 10 were

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given temporary status with effect from 1st January, 1983. On 8.5.1986, petitioners were brought over to the Mancheswar Carriage Repairing Workshop and had been given ~~the~~ ^{the} regular service. Seniority of the petitioners is being computed from the date on which they get regular service in the Mancheswar Carriage Repairing Workshop. Grievance of the Petitioners is that their seniority should be counted from the date on which they were working as Casual labourers or in the alternative from the date on which temporary status was given to each of them.

3. We have heard Mr. Dhal learned counsel appearing for the Petitioners and Mr. L. Mohapatra learned Standing Counsel (Railways)

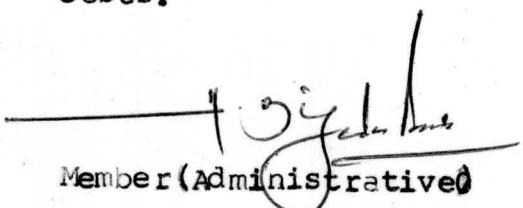
4. We have carefully perused the pleadings of the parties including the averments finding place in the counter filed on behalf of the Opposite Parties. We have also carefully considered all the relevant documents. Law is well settled that seniority would be counted in favour of a particular person from the date on which he had worked as a regular employee. Temporary status is not given for the purpose of computing one's seniority. Though the incumbents were given temporary status yet they continue to work as a casual labourers. ~~Only~~ Certain benefits are given such as Railway pass, Medical facility etc. In our opinion

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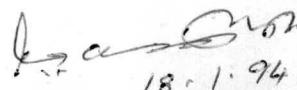
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in discharging ~~of~~ duties as a casual labourer or having been given temporary status does not entitle an employee for counting his seniority with effect be from such date. Seniority would/ counted only from the date from which a particular person works, as a regular Government servant.

5. In the circumstances stated above, we find no merit in this petition which stands dismissed. No costs.


Member (Administrative)

18 JAN 94


18.1.94
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
January 18, 1994.