

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

.....
Date of order : 2.5.2000

O.A.NO. 380/96

1. Gaffar S/o Shri Usman Ali aged about 35 years, R/o Lalgarh, Rampura Basti, Bikaner, presently working as Khalasi in Railway Workshop at Bikaner. (Ticket No. 2344 Old and Ticket No. 491 New).
2. Om Prakash S/o Shri Kedarmal aged about 37 years, R/o Dharam Kanta, Gajner Road, Bikaner and presently working as Khalasi in Railway Workshop, N.Rly, Bikaner (Ticket No. 2345 Old and T.No. 1270 New).
3. Chetan Ram S/o Shri Dharu Ram Meghwal (SC), aged about 44 years, R/o Amarsinghpura, Gajner Road, Bikaner and at present working as Khalasi in Northern Railway Workshop, Bikaner (Ticket No. 2346 Old and T.No. 3715 New).
4. Mohammed Jamil S/o Shri Md. Abbas, aged about 35 years, R/o Teliwada Road, Bikaner and presently working as Khalasi in Northern Railway Workshop at Bikaner (Ticket No. 2346 Old and T.No. 2086 New).
5. Raju S/o Shri Chothram aged about 39 years, R/o Subhashpura, Lalgarh, Bikaner and presently working as Khalasi in Northern RAilway Workshop at Bikaner (Ticket No. 2348 Old and T.No. 2086 New).
6. Moola Ram S/o Shri Bheru Ram Nayak (SC) aged about 43 years, R/o Nayko Ki Basti, Amarsinghpura, Gajner Road, Bikaner, and presently working as Khalasi in Northern Railway Workshop at Bikaner (Ticket No. 2352 Old and T.No. 493 New).



.....Applicants.

VERSUS

1. Union of India, through the General Manager, Northern RAilway, Baroda House, New Delhi.
2. The Dy. Chief Mechanical Engineer (Workshop), Northern Railway, Bikaner.

.....Respondents.

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Mr. S.N. Trivedi, Counsel for the applicants.
Mr. S.S. Vyas, Counsel for the respondents.

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CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN
HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER MR.JUSTICE B.S.RAIKOTE :

(15)

This application is filed by six applicants namely, Gaffar, Om Prakash, Chetan Ram, Mohammed Jamil, Raju and Moola Ram. The common grievance of the applicants is that earlier they were working as Casual Labours but meanwhile in the year 1987 after screening, a panel was prepared for the purposes of regularisation in which the names of the applicants also appeared along with Shri Vimal Singh and Shri Kishore. The said two persons, by name, Shri Vimal Singh and Shri Kishore, were juniors to the applicants as Casual Labours. Later, vide order Annex.A/7 dated 24.6.93, services of the applicants were regularised as Casual Labour Khalasies in the grade Rs. 750-940 (RPS) with effect from 25.6.93. As against the order Annex.A/7 dated 24.6.93 the applicants made a representation stating therein that the date of their regularisation should be 1.1.88 on the basis of the panel of the year 1987 and not 25.6.93. There was another order dated 26.2.94, Annex.A/8, stating that the applicants services as Khalasies were regularised from 25.6.93. It is stated that, against this order also a representation was made to the concerned authorities by the applicants. Thereafter, vide Annex.A/9 dated 25.9.95, their representations were considered and the entire matter was reexamined and the applicants regularisation was approved on the post of Khalasi on the basis of the panel prepared on the basis of the screening dated 12.8.87, and their names for absorption in Group 'D', were incorporated in the provisional panel. It is stated at the Bar that, earlier, ^{the} case of the applicants for regularisation was not considered w.e.f. 1.1.88 only because they did not possess the educational qualification of VIII standard on the basis of the instructions. But, later, vide Annex.A/12 dated 4.9.86, the said instructions of passing the Class VIII was kept in abeyance. The said position of keeping the educational qualification in abeyance, also was continued by Annex.A/13 on the basis of the Railway Board's letter dated 8.3.91 until further instructions were issued. It appears, thereafter, the condition as to the passing of the VIII standard, was relaxed. By keeping in view this relaxation in the representation made



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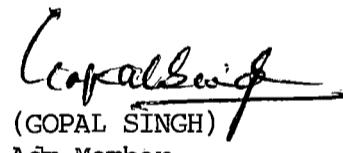
(16)

were considered by 3.
by the applicants, / the respondents vide the order dated 25.9.95
placing the applicants on provisional panel as Khalasies
as per their screening held on 12.8.87. From this it follows that
applicants services also stood regularised from 1.1.88 as has been
done in the cases of Shri Vimal Singh and Shri Kishore.

2. The short grievance of the applicants is that all consequential
benefits as to fixing their seniority etc. has not been done in
pursuance of the order dated 25.9.95. The official respondents also
have not disputed the proceedings dated 25.9.95 (Annex.A/9). If that is
so, all the consequences, flowing from this order Annex.A/9 the
applicants would be entitled to. Hence, we pass the order as under :-

3. This Application is disposed of with a direction to the
consequential
respondents to accord all the benefits to the applicants flowing from
order Annex.A/9 dated 25.9.95 as to their seniority etc., within a
period of three months from the date of communication of this order.

4. There is no order as to costs.


(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

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jrm