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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Original Application No. 73 of 1991

Chandrama Singh and others

Petitioners

versus

Union of India and others

Respondents.

Shri Farooque Ahmed

Counsel for Applicants.

Shri Sidharth Verma

Counsel for Respondents.

Courants

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants, 4 in number, after losing the case before the Labour Court (Industrial Tribunal), have approached this Tribunal praying that the award given by the Industrial Tribunal may be quashed and the selection list contained in Annexure No. VI be also quashed and the respondents be directed to regularise the services of the petitioners on the post of Cleaners.

2. As per allegation the applicants have been working as Cleaners in Loco Shed Faizabad in the pay scale of Rs 750-950 since last 12-18 years, and few months and as such they have attained the status of temporary casual labour and they have been required to subscribe the G.P.F. and railway passes were also given to them. They were also called for screening and for absorption in the year 1982.

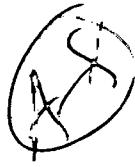
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and they were successful in the screening. Medical examination also took place, which according to them was, done in respect of cleaners only. But instead of selecting them for cleaners, the respondents empanelled them for Fitter Khalasis, the work which they never performed. According to the applicants, they should have been absorbed as Cleaner and not for the post on which neither they were working, nor appointed. The matter was raised by the Trade Union before the Assistant Labour Commissioner, and the matter was ultimately referred to the Central Government Industrial Tribunal cum Labour Court. The Labour court came to the conclusion that Tribunal should not interfere in the decision taken by the Screening committee and for what category of job a person will be suitable, it is for the screening committee to decide. The applicants have given instance of one Prabhat Kumar Soni, who also faced selection committee and the Railway Administration recommended for his appointment for Fitter Khalasi, though he was originally as Fitter/ and the Railway Administration has changed his Category from ~~Fitter Khalasi~~ Fitter Khalasi to Cleaner.

3. Although, we do not find any distinct feature that the benefit of the same be given to them. There is no denial that the applicants have been working as Cleaner from the very beginning, their cases should have been considered for absorption as Cleaner.

4. The respondents are directed to consider the case of the applicants even by way of screening having



been done by some other manner for the post of cleaner taking the case of the applicants at par with the case of Prabhat Kumar Soni. Let it be done within a period of 3 months from the date of receipt of a copy of this judgment by the respondents. No order as to costs.



B. Bhushan
Adm. Member.



Lal
Vice Chairman

Lucknow: Dated: 30.3.93.