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CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

O.A.No. 487/92

Thursday this the 3rd day of February, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

1. Rajak Ram son of Shri Harigendra.
2. Rajendra Kumar II, Son of Shri Bhagawati Prasad.
3. Ram Shanker son of Sri Jagdeo Prasad.
4. Surendra Kumar S/o Sri Late GiyanChand Prasad.
5. Durga Bhahadur son of Ujagar Sing  
C/o 2 Nazarbagh, Cantt. Road, Lucknow.... Applicants

(By Advocate Shri ajman Khan)

V.

1. Union of India through the Secretary to Govt. Ministry of Railways, New Delhi.
2. Railway Board, Baroda House, New Delhi through its Chairman.
3. General Manager, Northern Railway, New Delhi.
4. Divisional Mechanical Engineer, Loco Workshop Northern Railway, Charbagh, Lucknow.
5. Canteen Manager, Staff Canteen, Loco Shed Northern Railway, Alambagh, Lucknow. ... Respondents

(By Advocate Shri A.K.Chaturvedi)

ORDER (ORAL)

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicants 1 to 5 were working from 1.10.82, 1.9.82, 1.3.83, 2.8.86 and 11.5.87 as Salesman, Halwai, Salesman, daily wager and tea maker respectively in the Non-Statutory Recognised Staff Canteen Loco Shed, Northern Railway, Alambagh, Lucknow. Their grievance is that while the respondents issued orders treating other employees of the Canteen as Railway servants and granted to them the revised pay scale on the basis of the orders of the

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Railway Board according to the directions of the Hon'ble Supreme Court in MMR Khan's case, the applicants have not been granted any of the benefits. Therefore, they have filed this original application for the following reliefs:

"...to issue a direction to the respondents to allow regular pay scale old and revised and to make regular to the applicants by preparing their service record/seniority and allow pass and PTOs to the applicants since the date of their joining on their posts and pay arrears of salary upto date with 24% interest."

2. The respondents have indicated that the applicants were not engaged by the competent authority nor any approval has been given by the Railway Administration for their engagement. Against 9 posts in Canteen, the incumbents of the post have been treated railway servants by issuing proper orders and the applicants being only casual labourers, were not entitled to be granted the scale of pay and other benefits as claimed in this application, contend the respondents.

3. We are informed that in the year 1982 itself the services of the applicants have been terminated but no relief has been claimed in this regard, nor any application challenging the termination has been filed as yet.

4. We have heard the learned counsel for the parties and have perused the pleadings on record.

5. The argument of the learned counsel for the applicants that the applicants though were casual labourers were entitled to be given regular scale of pay on the basis of Railway Board letter issued on the directions of Apex

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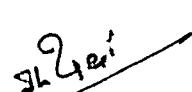
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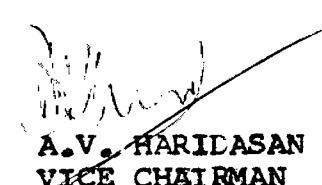
court judgment in the case of MMR Khan, cannot be accepted, because there was no direction in the judgment that casual labourers working in the Canteen who have not paid out of the subsidiary given by the Railway also should be treated as regular Railway servants.

6. It is seen from Annexure A4 that one Sant Ram who was a casual labourer in the canteen was appointed as a regular employee on a retirement vacancy. Had the applicants continued in service they would also have had chances for such absorption. Unfortunately, their services were dispensed with and they did not claim any relief in that regard from 1992 onwards. Under the circumstances, the only relief which can be granted to the applicants is a direction to the respondents to consider the re-engagement of the applicants as casual labourers in accordance with need.

7. In the conspectus of facts and circumstances, the application is disposed of with a direction to the respondents to consider the re-engagement of the applicants as casual labourers subject to the availability of work in the Canteen, in preference to outsiders and to consider them for regularisation in their turn. There is no order as to costs.

Dated 3rd February, 2000

  
J.L. NEGI  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN