

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 435 of 1996

Date of order 23 -11-1999

1. Water Resources Survey Employees Union through its Secretary, P.N.Singh having its registered office at Rajendra Nagar, Patna-16.
2. Ashok Kumar Singh, S/o Sakaldeo Singh, resident of Mohalla Bahadurpur, District Patna-16.

.. Applicants

-versus-

1. The Union of India through its Chairman, Central Water Resources, Seva Bhawan, R.K-Puran, New Delhi-66.
2. The Chief Engineer (ER), Water Resources Organisation, Central Water Commission, 117/S.K.Puri, Patna-800 001
3. The Executive Engineer, Middle Ganga Division-IV, Patna-16.

.. Respondents

Counsel for the applicants .. Shri Amit Shrivastava.

Counsel for the respondents ... Shri G.K.Agrawal.

CORAM: Hon'ble Shri L.R.K.Prasad, Member (A)

Hon'ble Shri Lakshman Jha, Member (J)

ORDER

Hon'ble Shri L.R.K.Prasad, Member (A):-

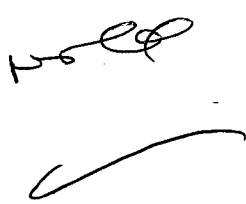
This application has been filed seeking following reliefs:-

- (a) The respondents be directed to employ 150 members of applicant no.1 and applicant no.2 for a period of ~~four~~ and half months beginning from 15.6.1996 to 31.10.1996.

(b) The respondents be further directed to employ 160 members of applicant no.1 and applicant no.2 for a period of four and half months every year during the monsoon period.

2. In brief, the fact of the case is that applicant no.1 is the recognised Trade Union for Survey Employees of Central Water Commission and applicant no.2 is an aggrieved employee. This application has been filed in representative capacity. The Water Resources Department appoints seasonal Khalasi every year for a certain period during monsoon season. Applicant no.1 has 160 members. They are engaged as Seasonal Khalasi from time to time during monsoon season. The period of their engagement is not uniformly fixed. However, they have been engaged for a period of four and half months from 1989 to 1993. From 1994 whenever their services have been terminated earlier within four and half months, they have been able to obtain interim order from the Tribunal as a result of which they have been able to continue four and half months even after 1993.

3. The respondents have filed counter-affidavit. It is admitted that from 1989 till 1994 they were engaged for a period of four and half months. A meeting was held between the Chief Engineer (ER) and the Central Water Commission Employees Union on 2.11.1988. It was agreed in principle in this meeting that services of seasonal Khalasi may be utilised for a period of four and half months but this should be subject to approval of central water commission. It is



pointed out by the respondents that the said decision was not approved by the Central Water Commission. On the other hand, it was decided that the order for employment of Seasonal Khalasi should be issued every year upto 30th September. The extension, if any, of their services beyond 30th September every year can be considered depending upon the behaviour of monsoon.

4. We have heard the learned counsel for the parties and perused the materials on record. During the hearing it became clear that relief as contained in para 8(a) has become infructuous as it relates to 1996. So far relief 8(b) is concerned, it may be pointed out that there is a close similarity between this O.A. and O.A.549/99. We agree that the instant case is squarely covered by the orders passed in O.A.549/99 by this Tribunal on 13.10.1999. Therefore, for those very reasons as explained in O.A.549/99, this O.A. has no merit and is dismissed, accordingly, with no order as to the costs.

Lakshman Jha
23.11.99
(Lakshman Jha)
Member (J)

L.R.K. Prasad
23.11.99
(L.R.K. Prasad)
Member (A)