

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**NEW BOMBAY BENCH**

O.A. No. 219
T.A. No. 1989

DATE OF DECISION 8.2.1990

Shaikh Arif Shaikh Issa and **Petitioner**
another

Mr. D.V. Gungal **Advocate for the Petitioner(s)**

Versus

Union of India and others **Respondent**

Mr. J.G.Sawant. **Advocate for the Respondent(s)**

CORAM

The Hon'ble Mr. G.Sreedharan Nair, V.C.

The Hon'ble Mr. M.Y.Priolkar, M(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(G.Sreedharan Nair)
Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH, NEW BOMBAY

Registration No.O.A.219 of 1989

Date of hearing and order 8.2.90

Shaikh Arif Shaikh Issa
and another

Applicants

- versus -

The Union of India and others ..

Respondents

CORAM : Hon'ble Shri G.Sreedharan Nair, Vice-Chairman
Hon'ble Shri M.Y.Priolkar, Member (A)

Counsel for the applicants : Mr. D.V. Gangal.

Counsel for the respondents : Mr. J.G.Sawant.

ORDER

G. Sreedharan Nair, Vice-Chairman :- The two applicants, who have been working as Casual Labourers under the respondents, have filed this application being aggrieved by their non-engagement from July, 1988. It is alleged that they were screened for the purpose of regularisation, ^{but} they were held unsuitable since their initial engagement ^{was} after 18.12.1980. It is alleged by the applicants that the fixation of ^{the} ~~last~~ date is arbitrary and that they are entitled to be regularised. The termination of services is also attacked as violative of section 25-F of the Industrial Disputes Act.


2. The respondents have filed reply where it is stated that the applicants were employed as Casual Labourers intermittently as and when the ^{and} ~~saction~~ for the work was available, ^{and} since they were engaged for the last time only up to 30.10.1986, the application is barred by limitation. It is contended that since they were screened and found unsuitable, their claim for regularisation cannot be allowed.

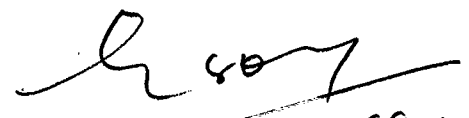
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3. It appears from the reply filed by the respondents that pursuant to the policy-decision of the Railways to regularise Casual Labourer, evidently following the verdict of the Supreme Court in Inderpal Yadav's case, a screening was conducted but on the ground that the applicants were engaged only after 18.12.1980, they were not empanelled. However, at the time of hearing, counsel of the respondents stated that there has been a screening ^{subsequently} in which both the applicants have been found suitable. As such, the only direction ^{is the respondents} that is called for at this stage is to grant the applicants the consequential benefits in view of ^{their having} ~~that they have~~ been found suitable for regularisation, and we do so.

4. The application is disposed of as above.


(M.Y. Priolkar)
Member (A)


8.2.1990
(G. Sreedharan Nair)
Vice-Chairman

Order of 8.2.90
sent to parties
on 1.3.90.

Subodh