

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:221/96

DATE OF DECISION: 6.12.2000

Shri Somasundaram Kasi and Mrs. Jay Singaran Applicant.

Shri S. Marne Advocate for
Applicant.

Versus

The Union of India and others Respondents.

Shri V.S. Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri B.N. Bahadur, Member(A)

Hon'ble Shri S.L. Jain, Member(J)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(3) Library.

No

NS
(B.N. BAHADUR)
MEMBER(A)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:221/96

WEDNESDAY the 6th day of DECEMBER 2000

CORAM: Hon'ble Shri B.N. Bahadur Member (A)

Hon'ble Shri S.L. Jain, Member (J)

Somasundaram Kasi

Mrs. Jaya Singaran

Residing at
C/o P.W.I. Jasai Post,
Railway Colony, Dist Raigad.

...Applicants.

By Advocate Shri S.Marne.

v/s

1. The Union of India through
The General Manager,
Bombay V.T., Bombay.

2. The Chief Engineer(South)
Construction,
Central Railway, Bombay V.T.

3. The Dy. Chief Executive
Engineer (Construction)
Central Railway, Panvel.

4. The then P.W.I. Construction
Central Railway, Panvel.

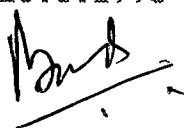
...Respondents.

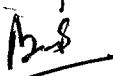
By Advocate Shri V.S. Masurkar.

ORDER(ORAL)

{Per Shri B.N. Bahadur, Member (A)}

This is an application made by two applicants, Shri Somasundaram Kasi and Mrs. Jaya Singaran seeking the relief for a declaration that applicants have a right to be appointed ^{w.e.f.} 26.6.1995 (Annexure A-1).





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2. We have seen the papers in the case and heard the Learned Counsel on both sides. This is a second round of litigation. The matter was decided by this Bench on 30.8.1994 in OA 288/94. Copy of this order is available at page 38 of the paper book.

3. It is seen that the impugned letter dated 26.6.1995 deals with the request for fresh appointment as Casual Labour made by the Applicant. The Respondents replied stating that the matter was considered in the light of the judgement in the aforesaid OA 288/94 and rejected the requests. Detailed reasons are given for rejecting the request. These reasons are in consonance with the policy relating to regularisation of Casual Labour, as laid down by the Ministry of Railways vide communication dated 7.6.1984 available at page 34n and 36 of the paper book.

4. The Learned Counsel appearing for the Applicant urged that the matter may be disposed of with a simple direction to the effect that the Respondents may engage the Applicants in future, if vacancy is available, and subject to rules. In the contest of the facts of the case, and the reasons argued already given in the impugned letter, such an order really would be in continuation of the order in OA 288/94, and therefore such directions would not be proper. Hence this request made during the arguments cannot be acceded to.

5. In the circumstances the OA is dismissed. No order as to costs.

S.L.Jain
(S.L.Jain)
Member (J)

B.N.Bahadur
(B.N.Bahadur),
Member (A)

NS