

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 527/99.

Friday, this the 24th day of December, 1999.

Coram: Hon'ble Shri Justice Ashok Agarwal, Chairman,

1. Pappu Munnilal Barse,  
Near Railway Hospital,  
Bhimwadi,  
Bhusawal - 425 201.
2. Jaggu Sumer,  
Shanti Gohar Niwas,  
Dwarka Nagar,  
Kandari,  
Bhusawal - 425 201.
3. Smt. Leelabai Pannalal,  
RB-1, Quarter No. 649,  
Near Power House,  
Bhusawal - 425 201.
4. Smt. Ashabai Prakash,  
Near Girls' High School,  
Valmiki Nagar,  
Bhusawal - 425 201.

(By Advocate Shri D.V. Gangal)

...Applicant.

vs.

1. Union of India, through  
General Manager,  
Central Railway,  
Head Quarters Office,  
Mumbai CST,  
Mumbai - 400 001.
2. Divisional Railway Manager,  
Bhusawal Division,  
Central Railway,  
Bhusawal - 425 201.
3. Chief Medical Superintendent,  
Central Railway Hospital,  
Central Railway,  
Bhusawal - 425 201.

(By Advocate Shri Suresh Kumar)

...Respondents.

: ORDER (ORAL) :

(Per Shri Justice Ashok Agarwal, Chairman)

By consent the present OA is taken up for hearing and  
final disposal.

N.J.

...2.

2. Applicants are employees as Safaiwalas (Group 'D') in the scale of Rs.750-940 in the Bhusawal Division of Central Railway under the Divisional Railway Manager, Bhusawal. Their employment was in the capacity of Casual Labourers. Their services, however, have not been utilised from 1987-88. The 2nd Respondent on 29.8.1997 issued a Notification (at Annexure - 11) which prescribes that there are certain vacancies and the same are to be filled up by <sup>recruitment</sup> regularising the services of Casual Labourers in the manner prescribed. Applicants' have applied for regularisation under the said notification. Respondents have filed their written statement. In para 11 this is what has been averred:

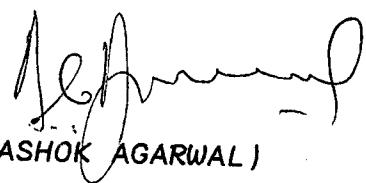
".....It is also submitted that the applicant and other similar situated persons are given relaxation. The applicant will be considered along with the other if found eligible....."

In my view, respondents have by making the aforesaid averment conceded the claim of the applicants for being considered for recruitment/regularisation under the aforesaid notification along with others. In the circumstances, the present OA is allowed. I direct that in terms of the aforesaid submission made by the respondents, the claim of the applicants for being recruited/regularised under the aforesaid notification may be <sup>ed</sup> consider along with others who are similarly placed. The aforesaid notification has been issued way back on 29.8.1997. It is not clarified whether the aforesaid vacancies mentioned in the notification have been filled up or are still lying vacant. In the circumstances, I direct that the respondents will take up the issue of filling up the aforesaid vacancies, <sup>if not already filled up</sup> as also further vacancies if thereafter have arisen and proceed to grant

...3.



recruitment/regularisation in terms of the notification. This be done expeditiously and within a period of three months from the date of the service of this order on the respondents. It is ~~disseced~~ clarified that respondents will not fill up the aforesaid vacancies by recruiting outside candidates in preference to the candidates such as applicant~~s~~ and others similarly placed. No orders to costs.



(ASHOK AGARWAL)

CHAIRMAN.

B.

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Contempt Petition No.42/2000  
in  
Original Application No.527/99

Dated this Tuesday the 4th September, 2001.

Coram : Hon'ble Shri Justice Birendra Dikshit, Vice Chairman  
Hon'ble Shri B.N. Bahadur, Member (A).

Shri Pappu M. Borse & 3 Others. . . Applicants.

Vs.

1. Shri Shankaran,  
The General Manager,  
C.Rly., C.S.T.,  
Mumbai-400001.
2. Shri Malik,  
The Divisional Railway Manager,  
C. Rly.,  
Bhusawal. . . Respondents.

Tribunal's Order on Contempt Petition (Oral)

Heard Shri S.V. Marne, Ld. Counsel for the applicants and  
Shri Suresh Kumar, Ld. Counsel for the Respondents.

Learned Counsel for the applicants, Mr.S.V. Marne  
states that the High Court has modified the order passed in O.A.  
in exercise of powers and has also disposed of Contempt Petition.

In view of the decision of the High Court and in view of  
the statement made by the Ld. Counsel for the parties, the  
Contempt Petition stands disposed of.

The Contempt Petition No.42/2000 stands disposed of and  
therefore no further order is required.

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

B. Dikshit

( Birendra Dikshit )  
Vice Chairman.

H.