

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: OA-221/90.

Transfar Application No:

DATE OF DECISION: JULY 05, 1994.

Shri Dilip Ganoba & 22 Others, Petitioner

Shri D. V. Gangal, Advocate for the Petitioners

Versus

Central Railway, Respondent

Shri J. G. Sawant, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri P. P. Srivastava, Member (A).

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

B. S. Hegde  
( B. S. HEGDE )  
MEMBER (J).

os\*

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

(12)

O.A. NO.: 221/90.

Shri Dilip Ganoba & 22 Others ... Applicant.

Versus

Central Railway ... ... Respondents.

APPEARANCES :

1. Shri D. V. Gangal,  
Counsel for the Applicants.
2. Shri J. G. Sawant,  
Counsel for the Respondents.

CORAM :

1. Hon'ble Shri B. S. Hegde, Member (J).
2. Hon'ble Shri P. P. Srivastava, Member (A).

ORAL JUDGEMENT : DATED : JULY 05, 1994.

(X) Per Hon'ble Shri B. S. Hegde, Member (J) (X).

1. Heard the arguments of Shri D. V. Gangal, Counsel for the Applicants and Shri J. G. Sawant, Counsel for the Respondents. During the course of the hearing, the Learned Counsels for the respective parties drew [draws] our attention to the written statement filed on behalf of the Respondents. The Respondents have stated that the applicants who belong to Mechanical department, when they became surplus, were absorbed in regular posts in other department such as Operating, Engineering and Medical. This was later confirmed to be not in accordance with extant instructions and orders of the Railway Board. According to the Railway Board's Orders, screening as well as absorption of Casual Labours is required to be done departmentwise. The applicants who were MRCLs were screened and empanelled on 30.5.1984 and were waiting their absorption against regular post

in the same department viz: Mechanical. However, due to shrinkage of the steam cadre, there were no regular posts against which they can be absorbed and as well as they became surplus.

2. The Learned Counsel for the Applicant admitted that Mechanical Department maintained the Seniority List. The Applicants were junior to the other people who were absorbed over the verge of absorption. It is also not disputed that there is no vacancy existing in the Mechanical Department. In the circumstances, the Respondents, instead of putting them out of job, can engage them in different field till they get the vacancy in the Mechanical Department. After hearing the parties, the Learned Counsel for the Applicant, Shri D. V. Gangal, agreed to the proposal that as and when the regular vacancy arises in the Mechanical Department, the Applicants may be absorbed regularly, for which the Learned Counsel for the Respondent, Shri J. G. Sawant, agreed, provided they come within the Seniority List maintained by the Department.

3. In the light of the above, we hereby direct the Respondents to absorb the Applicants as and when the vacancy arise, on the basis of Seniority List maintained by the Mechanical Department <sup>\* Non -R&M cadre</sup> as per rules. With regard to other Relief, the applicants are at liberty to file a separate O.A. Accordingly, the O.A. is ~~disposed of~~ dismissed. No order as to costs.

(\*As per  
Order  
dt. 6-2-1995.)

  
(P. P. SRIVASTAVA)  
MEMBER (A).

  
(B. S. HEGDE)  
MEMBER (J).