

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

Or. Axxx No. Stamp No. 428/91

Tx. Axxx No. (OA 516/91)

198

DATE OF DECISION 16-8-1991

Ranganathan Arumugam & 45 Ors. Petitioners

Mr. D. V. Gangal

Advocate for the Petitioner(s)

Versus

Union of India & ors.

Respondent

Mr. J. G. Sawant

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. S. Chaudhuri, Member (A)

The Hon'ble Mr. T. Chandrasekhara Reddy, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
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 ?

Yes

P. S. Chaudhuri
(P. S. CHAUDHURI)

16-8-1991

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

(3)

Stamp No. 428/91 (OA 516/91)

Ranganathan Arumugam & 45 Ors. .. Applicants

vs.

1. Union of India
through
The General Manager,
Central Railway
Bombay V.T.
2. The Chief Engineer,
(South Construction),
Central Railway,
Bombay V.T.
3. The Deputy Chief Engineer,
Central Railway,
Panvel.
4. The Divisional Railway Manager,
Central Railway,
Bombay V.T.
5. Permanent Way Inspector,
Central Railway,
Jasai. .. Respondents

Coram: Hon'ble Shri P.S.Chaudhuri, Member(A)

Hon'ble Shri T.Chandrasekhara Reddy, Member(J)

Appearances:

1. Mr.D.V.Gangal
Advocate for the
Applicant,
2. Mr.J.G.Sawant
Advocate for the
Respondents.

JUDGMENT:

(Per P.S.Chaudhuri, Member(A))

Date: 16-8-1991

This application under Section 19 of the Administrative Tribunals Act,1985 was filed on 6-8-1991. In it the applicants who are working as Project Casual labour on the Nhava Sheva Port Railway Line on Central Railway are challenging the office order dtd. 30-7-1991 by which they are transferred in the same grade and capacity to work under C.P.W.I(M), Panvel and are informed that if any person fails to comply with the transfer their services are liable to be terminated and that

retrenchment benefits will be paid to those eligible for the same as per rules. A, the

2. As the facts are not in dispute, we admitted the application and proceed to decide it after hearing Mr.D.V.Gangal, learned counsel ~~of~~ the applicants and Mr.J.G.Sawant, learned counsel ~~of~~ the respondents.

3. The applicants press their case on a number of grounds. The first was that the Ahmedabad Bench of this Tribunal has held in Jivi Chaku v. Union of India and others etc. etc. O.A.1/86 etc. that transfers of casual labour is not permissible. But that case is readily distinguishable as in it the applicants were being transferred from one railway division to another railway division. In the present case it is not disputed that the applicants come within the jurisdiction of Bombay Division and are not being transferred out of Bombay Division.

3. The second submission was that before retrenchment there must be a seniority list - see Narotam Kachara & Ors. v. Union of India and Ors., 1986(4) SLJ(CAT) 906. This case is not applicable as a plain reading of the impugned order makes it clear that there is no retrenchment. The applicants are being offered work within the jurisdiction of that division and are being informed that failure to carry out transfer is liable to result in termination. There is yet no termination.

4. The applicants' third submission was that the seniority list should be prepared division wise - see Narayan Ala and Others v. Union of India & Ors., 1987(3) SLJ (CAT) 185. This is not disputed by the respondents but we do not see how this can be of any help to the applicants as termination of

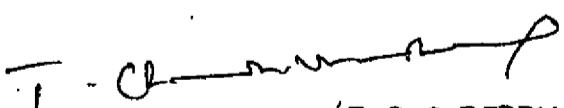
(5)

service is not in question.

5. The applicants' final submission was that if the provisions of Section 25(N) of the Industrial Disputes Act are not complied with the termination is bad in law - - see Jivan Govind v. Union of India & Ors, 1989(3)SLJ(CAT)92. It was the applicants' contention that in view of this the respondents are prohibited from terminating their services and that is what they have threatened to do in the impugned order. But it is not disputed that there is yet no termination and so the provisions sought to be relied upon have not yet come into play. In any case, even if there was a termination since the provisions of the Industrial Disputes Act are being relied upon we ~~would~~ ^{may} have no jurisdiction - see A. Padmayalley v. C.P.W.D. and Others etc. etc., 1991(1) SLR (CAT) 245. Thus in no view of the matter is this submission tenable.

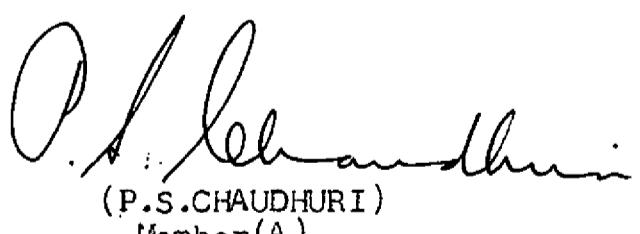
6. In this view of the matter we see no merit in the application ^{and} are of the view that it merits dismissal.

7. The application is accordingly, dismissed. In the circumstances of the case there will be no order as to costs.


(T.C.S. REDDY)

Member (J)

16(1991)


(P.S. CHAUDHURI)
Member (A)

16. 8. 1991