

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.N. 1233/92

Date of Decision

17.1.92

Thanapani Kuppan & Ors. Petitioner

Shri D.V.Gangal. Advocate for the Petitioner.

versus

Union of India & Ors. Respondent

Shri V.S.Masurkar. Advocate for the Respondents.

Coram:

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

The Hon'ble Mr. 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)
MEMBER (J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

Original Application No.1233/92.

17th, this the Friday day of January 1997.

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

1. Thanapani Küppan,
2. Malarkodi Chnnaswamy,
3. Laxminarayan Bhielal,
4. Muthuswamy Kullan,
5. Kalabai Hariepersaed,
6. Bhojraj Halku,
7. Shambai Santhan,
8. Gemu Puniya,
9. Santhosh Kumar Ramadar,
10. Thukuram Hasuram,
11. Sellamal Parumal,
12. Shivram Servan,
13. Shankarlal Shamlal,
14. Geminebai Genu,
15. Kaliyan Parloo,
16. Shivarayan Kishorilal,
17. Maruiy Laxman,
18. Ramchandar Vithal, and
19. Laxman Eaknath,
20. Dinkar Dattaram,
21. Saharti Arumyam,
22. Arumugam Chamaswamy,
23. Ramaswamy Saniyasi,
24. Kolanji Shivparuman,
25. Gopal Marude, Applicants.
All of them are working under
The P.W.I. (Construction),
Central Railway C/o. P.W.I.
(Construction) Central Railway.
(By Advocate Shri D.V.Gangal)

V/s.

1. The General Manager,
Central Railway,
Bombay V.T.

2. The Chief Engineer (Construction),
South Central Railway,
Bombay V.T.
3. The Executive Engineer (Construction),
Central Railway,
Panvel,
4. The Divisional Manager,
Railway Manager, Personnel
Branch, Bombay, Central Railway,
Bombay V.T.
5. The Permanent Way Inspector
(Construction) Central Railway,
Jasai. ... Respondents).

(By Advocate Shri V.S.Masurkar).

O R D E R

(Per Shri B.S.Hegde, Member(J))

Heard Shri D.V.Gangal, counsel for the
applicants and Shri V.S.Masurkar, counsel for the
Respondents.

2. Due to mis-placement of the file, the order of the Tribunal could not be pronounced in time, for which we regret.
3. The only prayer made in this O.A. is that the panel dt. 9.12.1991 prepared by the Respondents is bad and is illegal and deserves to be quashed and the respondents be directed to publish the seniority list ^{not} of Casual Labours of Bombay Division which has/been published so far.
4. The list published by the Respondents on 9.12.1991 is of the panel of casual labour/substitutes/ MRCL, absorption against regular post of Gangman/ Khalasi in the grade of Rs.750-940 in Bombay Division. This list was published in response to Notification for

screening for absorption dt. 8.6.1989 which was held in the month of February, for open line staff and construction staff. It is submitted that the names were arranged in accordance with the combined seniority list of open line and construction line of casual labours based on the service rendered by the candidates as on 30.4.1989. The said panel was for absorption against regular post of Gangman/Khalasi grade in the scale of Rs.750-940. However, the contention of the applicants is that the said panel is illegal because the seniority list of casual labours were not published. In this application, the applicants contend that 16 casual labours were not considered by the screening committee and their names have been mentioned at para 4.5 of the application and number of juniors have been shown as seniors and they were shown in the earlier panel of 1988. As against this contention, the respondents submit that 702 casual labours were called for screening and only 657 casual labours actually appeared for the screening out of which 592 persons were found suitable and placed on the panel which was declared on 9.12.1991. The said panel comprised of casual labours who were working under XEN(C)LNVL and AEN(M) Panvel. That seniority list was prepared based on the total number of days put in by each of the candidates. The office of the D.R.M. after seeing these two lists ~~of the~~ ^{two officers} arranged the names in accordance with the

seniority in a combined list. Accordingly, the integrated seniority list was prepared on the basis of screening which was held on 13.2.1991 and 14.2.1991. They conceded that the seniority list was not published by the Office of the D.R.M. However, the seniority list was duly published separately by the AEN, Panvel and was displayed on the notice board of their respective offices. The applicants are aware of the seniority list and in fact they knew about the seniority list when they allege that some senior casual labours were not screened and juniors were screened. The only contention is that seniority list has not been published, but there is no dispute regarding the combined seniority list published by the Respondents. It is further submitted that out of 16 persons, 12 persons attended for screening and four persons did not attend the screening. The panel of these casual labours is yet to be published. It is further submitted regarding the allegation of the applicants that number of juniors have been shown as seniors and many juniors have been selected in the earlier panel, the respondents are not able to offer their comments in the absence of material details.

5. The contention of the respondents is that they have strictly adhered to the directions given in Inder Pal Yadav's case. Therefore, in the absence of any material details furnished by the applicant,

we are handicapped in going into the details referred to in the O.A. In the result, we do not find any merit in the O.A. and the same is dismissed. No order as to costs.



(P.P. SRIVASTAVA)
MEMBER (A)



(B.S. HEGDE)
MEMBER (J)

B.