

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1255/92 and 164/93

Date of Decision: 29.6.1999

Shri Subhas Narayan Gaikwad Applicant.
Shri Milind Gopal Padwai

Shri L.M. Nerlekar. Advocate for
Applicant.

Versus

Union of India and others. Respondent(s)

Shri S.C. Dhawan. Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Bawaja, Member (A)

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

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

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 1255/92 and 164/93

Tuesday the 29th day of June 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri D.S. Baweja, Member (A).¹

Subhas Narayan Gaikwad
Residing at
K 246 Agwati Chawl
Lonavla.

...¹ Applicant in
OA 1255/92

Milind Gopal Padwal
Residing at
R.B.I. Chawl No. 2/16
Room No. 2116,
Central Railway Quarter,
Lonavla.

... Applicant in
OA 164/93.

By Advocate Shri L.M. Nerlekar.

V/s.

Union of India through
Divisional Railway Manager,
Central Railway,
Bombay VT.

... Respondents.¹

By Advocate Shri S.C. Dhawan.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

These are two applications filed by the
applicants under Section 19 of the Administrative
Tribunals Act 1985. The respondents have filed
reply. We have heard the learned counsel for both
sides.

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2. Both the applicants claims that they have worked as Casual labour in Central Railway during the relevant period as mentioned in their respective O.As. In the first case the applicant Shri S.N. Gaikwad has worked during the period mentioned in para 4.3 which is as follows:

From	to	Total days	worked under
18.12.81	3.5.81	114	PWI Lonavla
24.9.82	18.7.83	275	" "
4.11.83	29.3.84	142	" "
28.5.85	18.6.85	22	IOW "
19.6.85	18.7.85	35	IOW "
25.4.86	9.12.86	229	S.M. Vadgaon.

Similarly the second applicant Shri Milind Gopal Padwal worked from 16.5.1986 to 10.12.1986 namely 299 days.

The case of both the applicants is that having worked for more than 120 days they have acquired temporary status and to such employees Railway Discipline and Appeal Rules is attracted. It appears that the services of the applicants are dis-continued. Therefore both the applicants have filed these OAs claiming that they are entitled to regularisation on the basis of seniority as Casual labourers.

3. The respondents in their reply denied the period during which the applicants had worked. It is therefore stated that the question of termination of applicants service does not arise.

4. It is not necessary to refer to the pleadings in both the cases. The prayer now pressed by the learned counsel for the applicant is that a direction be given to the respondents to regularise the services of the applicant subject to their screening for suitability and subject to their turn and seniority of casual labour.

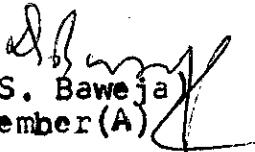
After hearing both sides for some time, this Tribunal by order dated 9.3.1999 called upon the respondents to verify the services particularly as mentioned in the labour cards produced by the applicants. The learned counsel for the respondents took time to verify all entries made in the labour card. Today the learned counsel for the respondents fairly submitted that though he does not admit the correctness of all the dates mentioned in the OAs, there is sufficient material to show that the applicants had worked for more than 120 days.

The learned counsel for the respondents states that the services of the applicants were discontinued due to some mis-conduct and even produced concerned files before us. But no such plea is taken in the written statement. Admittedly no enquiry was held as per rules. In view of the absence of documents and pleadings we cannot consider the question of the termination of the applicants.

5. It cannot be disputed that applicants have attained temporary status and are entitled to be considered for regularisation subject to screening

and suitability. Therefore without going to the rival contentions and in view of the limited prayer by the learned counsel for the applicants, we feel that a direction should be given to the respondents to consider the case of the applicants and regularise them as per rules.

6. In the result both the O.As are allowed. The respondents are directed to consider the case of both the applicants for regularisation after screening and then absorb them if they are found fit and as per seniority and subject to availability of vacancies. No costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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