

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 6/93

Date of Decision: 12.10.1993

B.Ganpat & Ors.

Applicant.

Shri D.V.Gangal

Advocate for
Applicant.

Versus

Union of India & Ors.

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.Baweja, Member (A)

- (1) To be referred to the Reporter or not? *No*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *No*
- (3) Library *No*

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO. 6/93

Tuesday this the 12th day of October, 1999.

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Baweja, Member (A)

1. Bhagvant Ganpat
2. Dada Dyandeo
3. Mubrak Shakur
4. Ramesh Raghunath
5. Pratap Pandarinath

All the Applicants are working as
M.R.C.L. Khalasis under the
Inspector of Works (NG),
Central Railway, Kurudwadi.

...Applicants

By Advocate Shri D.V.Gangal

V/S.

1. The Union of India through
The General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
Solapur.
3. The Assistant Engineer,
Central Railway,
Kurduwadi (NG),
Dist. Solapur.

...Respondents

By Advocate Shri S.C.Dhawan

O R D E R (ORAL)

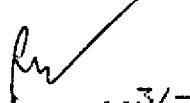
(Per: Shri Justice R.G.Vaidyanatha, VC)

In this application, the applicants are challenging their
regularisation as Gangman and they want ~~for~~ a direction to
regularise them as Khalasis. The respondents have filed reply

opposing the application. We have heard Shri D.V.Gangal, learned counsel for the applicant and Shri S.C.Dhawan, learned counsel for the respondents and perused the original record produced by the learned counsel for the respondents.

2. Admittedly, the applicants were working as casual labour in the Central Railway and came to be regularised. At the time of arguments and even in the pleadings, it is conceded that casual labourers working under Inspector of Works (IOW) should be regularised as Khalasis and casual labourers working under Permanent Way Inspector (PWI) should be regularised as Gangman. The applicants' case is that they were through-out working as Khalasis under IOW and that they were initially regularised as Khalasis under the order dated 4.9.1992. Subsequently, the administration has issued a fresh order, namely, the impugned order dated 18.12.1992 posting the applicants as Gangman. The applicants, therefore, say that they should be regularised as Khalasis only and not as Gangman and they want that the impugned order dated 18.12.1992 should be quashed. The applicants made a statement that they never worked as Gangman earlier.

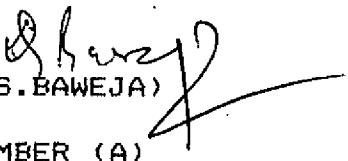
3. Respondents in the reply have specifically denied that the applicants were through out worked as Khalasis and never worked as Gangman. The respondents have clearly stated that the applicants were working as Gangman and therefore they were regularised as Gangman as per the [redacted] practice and policy.


..3/-

4. It is not disputed before us that casual labourers working under IOW should be regularised as Khalasis and casual labourers working under PWI should be regularised as Gangman. The applicants have not produced any record to show that they were working under IOW.

On the other hand, the respondents have placed before us the original panel prepared after screening. We have perused that panel. Sr.No. 201 pertains to Applicant No. 1. It shows that he was earlier working under PWI. Similarly, other applicants are shown at Sr.No. 209 (Applicant No. 2), 234 (Applicant No. 3), 237 (Applicant No. 4) and 239 (Applicant No. 5) and all of them are shown as working under PWI. Casual Labourers working under PWI are regularised as Gangman as per the long custom and policy and they were rightly regularised as Gangman. The applicants have not produced any material to show that they are working as Khalasis under PWI. Hence, we find no merit in the OA. and the same is liable to be dismissed.

5. In the result, the OA. is dismissed with no order as to costs. All interim orders stand vacated.


(D.S. BAWEJA)

MEMBER (A)


(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.