

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH : 'GULISTAN' BUILDING
6, PRESCOT ROAD, MUMBAI - 400 001
ORIGINAL APPLICATION NO. 480/1994

TUESDAY, THIS THE 29TH DAY OF JUNE, 1999

SHRI JUSTICE S. VENKATARAMAN .. VICE CHAIRMAN
SHRI S.K. GHOSAL .. MEMBER (A)

1. Shri Bhagwan Ram,
2. Shri Ramshankar S. Ram,
3. Shri Munnasingh R. Yadhav,
4. Shri Abhimanyu B. Ram,
C/o Shri Bhagwan Ram,
Fulchand Yadav Chawl,
Halavpool, Masarni Lane,
Kurla, Bombay - 400 070. ..

Applicants

(By Advocate Shri L.M. Nerlekar)

Vs.

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

Respondent

(By Standing Counsel Shri V.S. Masurkar)

O R D E R

Justice S. Venkataraman, Vice Chairman :

The applicants who were casual labourers had challenged their retrenchments and had sought for reinstatement with back wages and continuity of service in O.A.Nos. 445, 438, 440 and 509/1988. The Tribunal disposed of those applications directing the Respondents to prepare

a seniority list divisionwise ~~and~~ of casual labourers who had completed the prescribed number of days of work and to absorb the applicants as Khalasis.

2. The grievance of the applicants in this O.A. is that their seniority list has not been prepared by the Respondents in accordance with the direction and that though they have been absorbed, their pay has been fixed at the minimum without taking into account their past service till the date of reinstatement. They have therefore, sought for a direction to the Respondents to consider their past service and fix their pay/also pay arrears. They have also prayed that the period from the date of termination of their services till reinstatement should be treated as service for the ^{purposes} ~~benefit~~ of Pension and other benefits.

3. The Respondents in their reply have stated that they have prepared the seniority list as per the directions and that the names of the applicants were interpolated in the panel of 1991 and thereafter they have been screened and absorbed. They have contended that the applicants are not entitled to claim fixation on the basis of the assumption that they had continued in service ^{especially} ~~shall~~ be in view of the fact that the Tribunal in the earlier case has not given continuity of service to them.

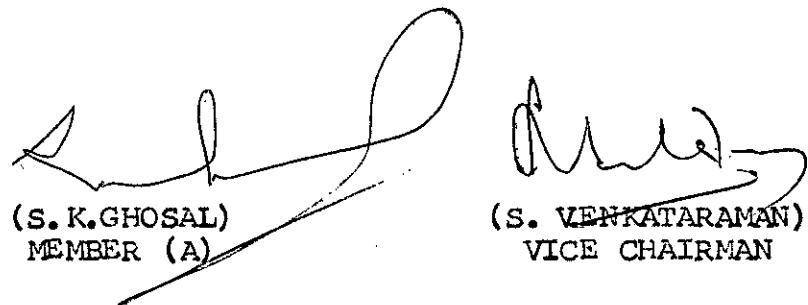
4. So far as the fixation claimed by the applicants treating the period from the date of termination of their services till they were reinstated is concerned, it is seen that even in the earlier case, the applicants had made a prayer for continuity of their service and they had also claimed back wages. But, the Tribunal has refused the back wages and their prayer for continuity of service has also been rejected. As such, it is not open to the applicants to now make a similar prayer in this application.

5. The learned counsel for the applicants submitted that the Respondents have not produced the seniority list which they ~~have claimed~~ to have prepared and that the applicants have no opportunity to know whether the seniority given to them is correct or not. The Respondents' counsel submits that the document is voluminous and the Respondents have no objection for the applicants inspecting that list in the office.

6. In the circumstances, we dispose of this application ~~and~~ directing the Respondents to permit the applicants to inspect the seniority list which they have prepared in pursuance of the directions given by the Tribunal and also giving liberty to the applicants, after such



inspection to put forth their claim if any, if they are aggrieved about the seniority given to them in the list.



(S. K. GHOSAL)
MEMBER (A)

(S. VENKATARAMAN)
VICE CHAIRMAN

psp.