

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 18.08.2000

1. OA 616/94

Hari Mohan s/o Sh.Modi r/o Village & Post Kapren, Distt. Bundi.

2. OA 412/99

Pritam Singh s/o Sh.Ganpat Singh r/o Village Gopalpur, Post Koshi Khurd, Distt.Mathura.

3. OA 413/99

Lakhan Singh s/o Sh. Ram Dayal r/o Village Kajanipur, Post Sri Mahaveerji, Tehsil Hindaun City, Distt. Karauli.

4. OA 414/99

Om Prakash s/o Pyare Lal r/o Behrarake Pura, Post Andhihari, Prakash Nagar, Distt.Bharatpur.

... Applicants

Versus

1. Union of India through General Manager, W/Rly, Churchgate, Mumbai.

2. Dvl.Rly.Manager, W/Rly, Kota Dn.,Kota.

3. Sr.Dvl.Commercial Manager, W/Rly, Kota Dn., Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

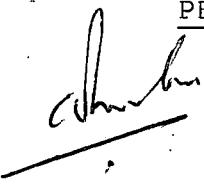
For the Applicants ... Mr.P.V.Calla &

Mr.Shiv Kumar

For the Respondents ... Mr.Hemant Gupta, proxy
counsel for Mr.M.Rafiq

O R D E R

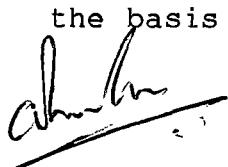
PER HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER



All the above mentioned OAs are being disposed of by this common order as the background and substantive reliefs sought in all these OAs are practically the same.

2. The applicants in these OAs were engaged by the respondents as casual hot weather watermen on different dates as given in their respective OAs. Some of them were granted temporary status also. The grievance of the applicants is that while they were discharging their duties diligently and efficiently their services were dispensed with without any notice or order and they were not taken back on duty inspite of their verbal or written requests. It has also been contended by them that the respondents have engaged some junior or fresh persons, as mentioned in their applications, after the termination of their servicees, which action is arbitrary and violative of Articles 14 and 16 of the Constitution of India. In view of this, they have filed these OAs, essentially praying that the respondents be directed to re-engage them; grant them temporary status in cases where it has not been granted and regularise their services.

3. The respondents have opposed the OAs by filing reply in which it is contended that the applicants were engaged during summer season for specific periods and once the need for work was over, not only the applicants but all such casual labourers were put off from the job. It has also been mentioned that two lists of seniority are maintained of such workers, one based on the first date of engagement viz. "old faces" for the purpose of their re-engagement in any subsequent summer season and the other list is prepared on the basis of "longer number of working days" which forms the

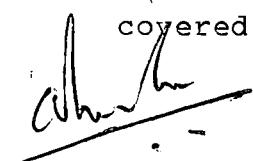


basis of their eventual regularisation. It has also been stated that by virtue of Head Office circular dated 19.3.93, no new casual labour can be engaged in the Railways after 14.7.81 and if such casual labourerres are required to be engaged, it has to have prior sanction of the General Manager of the Western Railway. The persons alleged to have been engaged after the services of the applicants were dispensed with, have been so engaged/appointed either with the approval of the General Manager or specific directions of the Railway Board.

4. We have heard the learned counsel for the parties and have carefully gone through the pleadings and the documents.

5. On going through the pleadings and the arguments advanced by the learned counsel for rival parties, we find that the controversy raised in these OAs has been examined in detail by this Bench of the Tribunal in OA 77/95. However, the claim of the applicants that some of their juniors have been re-engaged and some others have been freshly engaged after obtaining the approval of the General Manager does deserve our consideration. As regards the allegation put forward by the applicants that some persons have been directly appointed on the desire of the Minister of Railways, it is based on a cutting from the newspaper and we cannot take cognisance of such news item. Even otherwise simply because some persons have been regularly appointed in Group-D post cannot by itself give a right to the applicants for similar appointment.

6. In view of the fact that these cases are squarely covered by the decision rendered in OA 77/95, Nanak Singh v.



Union of India and ors. decided on 12.3.98, we do not feel it necessary to go over the pleadings and arguments again and it will serve the cause of justice if the relief given through the order dated 12.3.98 in OA 77/95 is also given in the OAs before us now. In view of this we order as under :-

The OAs are allowed and the respondents are directed to seek specific sanction of the General Manager, Western Railway, and if need be of the Railway Board, to re-engage the applicants as casual labourer under the respondent railways in the same manner as was done in the case of Nanak Singh, the applicant in OA No.77/95 decided by this Bench of the Tribunal on 12.3.1998

In the circumstances, there will be no order as to costs.


(N.P. NAWANI)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)