IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.1/95 Dt. of order: 28.3.95

Adal Singh & Ors. : Applicants

Vs.

Union of India & Ors. : Respondents

Mr.P.V.Calla : Counsel for applicants

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PER HON'BLE MR.O.P.SHARMA, MEMBER(ADM.).

In this application under Sec.19 of the Administrative Tribunals Act, 1985, applicants S/Shri Adal Singh, Rameshwar Singh, Manak Chand, Ratan Singh, Hari Singh, Jamman Singh, Shankar Singh, Amar Lal, Om Prakash, Babu Lal, Hem Raj, Prem Kumar, and Elliyas have prayed as under:

"That on the basis of the facts and grounds mentioned hereinabove, it is humbly prayed that the Hon'ble Tribunal may kindly call for and examine the entire record relating to this case and by an appropriate order or direction the impugned order dated 26.12.'94 (Annx.A1) in respect of the applicants may kindly be declared illegal and further the respondents may be directed to repatriate the applicants to Kota Division.

Further, the authority at Kota Division may be directed to consider the cases of the applicants for permanent absorption and if any employee appointed later to the applicants is made permanent, the same relief may be granted to the applicants from the date when their juniors were so regularised."

2. The case of the applicants in brief is that they were all engaged as casual labour in Kota Railway Electrification Project. Their seniority is maintained in the said Project and they have all been granted temporary status in that Project. By Annx.A5 dated 14.5.'92, they were sent to Jaipur Construction Project and it was specifically directed in the said order that on completion of the work they would be directed to report back to Kota Division for absorption. However, on completion of the work in Jaipur Construction Project, they have been deployed in other Divisions in the Western Railway. Their grievance is that the

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respondents have not adhered to the terms of letter Annx.A5 dated 14.5.92 under which they were sent to Jaipur Construction Project and on completion of work there they were asked to report back to Kota Division. They have, therefore, sought directions as above.

3. No reply has been filed by the respondents.

4. We have heard the learned counsel for the parties and have gone through the records. It is undisputed that the seniority of the applicants is maintained at Kota Division and they have also been granted temporary status there. They were initially transferred to Jaipur Construction Project on completion of work in Kota Electrification Project and thereafter on completion of the Construction Project work in Jaipur Division, they have been further transferred to other Divisions within the Western Railway. No doubt the order regarding transfer of these applicants first to Jaipur Construction Project and thereafter to other neighbouring Divisions were passed in the interest of administration but it cannot be said that the applicants were also not at all benefitted by this approach of the administration, in as much as, they were engaged on ongoing Projects rather than being retrenched on completion of the Project work in Kota Division.

5. By way of an interim direction issued on 3.1.'95, the respondents were directed not to relieve the applicants if they had already not been relieved from the Jaipur Division, till the next date. In the circumstances of the case and after hearing the counsel for the parties, we direct that the applicants may be continued to work on the Projects on which they are employed at present and on completion of the work in these Projects, they shall be transferred back to Kota Division in terms ofthe Direction contained in Annx.A5 dated 14.5.92. They shall ofcourse continue to retain their seniority in Kota Division, where they have already been granted temporary status. They shall also be considered for regularisation in Kota Division, as per the existing policy, rules and instructions.

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6. During the arguments, the learned counsel for the applicants stated that if the transfer of the applicants to first Jaipur Construction Project and thereafter to other Divisions is upheld, they should at least be granted transfer allowance to enable them to move to these Divisions. The learned counsel for the respondents stated that as per rules such transfer allowance is not admissible to casual labour. At the same time it appears to us that casual labour is not liable to transfer from one Division to other in ordinary course. It is in extraordinary circumstances and also in the interest of administration that their transfer has been effected. In such circumstances the respondents are directed to grant transfer allowance to the applicants which would have been otherwise admissible to them had they not casual labour/temporary status holders.

7. The O.A. is disposed of accordingly with no order as to costs.

(O.P.Sharma)
Member(A).

(Gopal Krishna)
Member(J).