

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 02.07.2001

OA No.210/1995

1. Zahir Mohammed Ahamed s/o Shri Mustak Ahamed r/o Near Namnesar Masjid, Station Road, Gangapur City, last employed on the post of Casual Labour as Hot Weather Waterman in Kota Division at Gangapur City, Western Railway.
2. Abdul Zahid w/o Shri Allah Noor r/o Chhalee Ki Bagichi Gangapur City last employed on the post of Casual Labour as Hot Weather Waterman in Kota Division at Gangapur City, Western Railway.

..Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Divisional Personnel Officer, Western Railway, Kota Division, Kota.
4. Station Superintendent, Gangapur City, Western Railway, Kota Division, Gangapur City.

.. Respondents

Mr. Shiv Kumar, counsel for the applicants

Mr. Manish Bhandari, counsel for the respondents

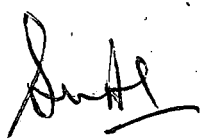
CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. A.P.Nagrath, Administrative Member

ORDER

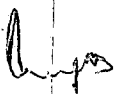
Per Hon'ble Mr. S.K.Agarwal, Judicial Member



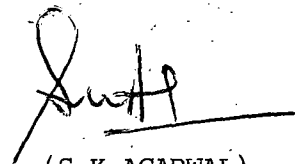
Labour in the year 1976-77. The claim of a Casual Labour for engaging him after a lapse of 18-19 years, in our considered view is hopelessly barred by limitation as it has been held in Full Bench order passed by the Principal Bench of this Tribunal in Mahabir Prasad vs. Union of India and ors. Moreover, It is also clear that Hot Weather Watermen are engaged in a hot/summer season. No permanent post is there. Therefore, the claim of the applicants for regularisation or making them permanent is baseless and cannot be sustainable. Not only this, the applicants have also failed to submit any such documents which can show/reveal that while engaging the Hot Weather Waterman by the Department, seniority of the applicants was by-passed as the Department has undisputedly admitted that Hot Weather Watermen are engaged on the basis of priority list prepared on the basis of working of the candidates in the immediate previous year. Therefore, in the absence of any evidence before us, we are unable to hold that seniority of the applicants was by-passed and any junior to the applicants was engaged by-passing the seniority of the applicants. However, this order does not preclude the respondent Department to engage the applicants as Hot Weather Waterman, if their case come in the seniority/priority and work is available with the Department.

5. We, therefore, dispose of this OA with the direction to the respondents that this order shall not preclude the Department to engage the applicants as Hot Weather Watermen, if their case come in in the priority/seniority on the basis of the work done by them and work is available with the Department.

6. No order as to costs.



(A.P.NAGRATH)
Adm. Member



(S.K.AGARWAL)
Judl. Member.