

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 13/7/2000

OA 116/95

Vasudev, Niyamu, Vikaro, Gangadhar, Murali, Kharaja, Parishetra, Udharaava, Hema, Mithala, Putradevi, Rukmini, Nitula, Santula, Sarasvati, Suvarana, Laxmi, Kannu, Pankaj, Siromani and Orani, all casual labour under AEN (C), Western Railway, Railway Station Sawai Madhopur.

... Applicants

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Dvl.Rly.Manager, Western Railway, Kota.
3. Chief Project Manager (S&C), Conversion, Western Railway, Jaipur.
4. Executive Engineer (S&C), Western Railway, Kota.

... Respondents

CORAM:

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

For the Applicant

... Mr.Rajveer Sharma

For the Respondents

... Mr.Anupam Agarwal, proxy

counsel for Mr.Manish Bhandari

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicants make a prayer to quash and set aside the orders dated 8.4.94, 27.5.94 and 5.1.95 and to direct the respondents to consider the applicants for regularisation from the date their juniors have been regularised, with all consequential benefits.

2. The case of the applicants, in brief, is that they were initially engaged as casual labour by respondent No.4 and they were granted temporary status w.e.f. 1.1.84 but they have not been regularised so far although juniors to them were regularised and posted as Group-D vide order dated 27.5.94 and 5.1.95. Therefore, the applicants filed this OA for the relief as mentioned above.

3. Reply was filed. In the reply it is stated that the seniority list dated 16.11.92 was a combined seniority list of the employees working in the Engineering Department. It is stated that a number of employees even project casual labours were also screened and regularised vide order dated 2.6.94 and 5.1.95 for 20% quota meant for them and seniority position upto

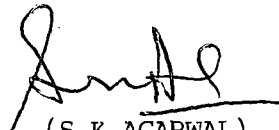
Sl.No.247 was taken on panel. It is further stated that the applicants will be considered for regularisation according to their seniority position. It is also stated that the applicants have been transferred in their own interest and to provide them work. It is further stated that regularisation was done from different Wings and as per their seniority position. Therefore, action of the respondents cannot be held to be arbitrary and illegal and this OA is devoid of any merit, hence liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The learned counsel for the applicants argued that the respondents were required to regularise the services of casual labours as per the seniority list dated 16.11.92 and there was no basis to regularise them from different Wings. It appears that the seniority list dated 16.11.92 was prepared for all the casual labours who are working in the Engineering Department of Kota Division and no other seniority list Wing-wise was published. It also appears that there is no reasonable basis or rational behind the screening Wing-wise. The respondent department is expected to screen and regularise the casual labour in order of seniority as per the seniority list published. Therefore, the applicants were also entitled for regularisation as per their seniority position in the seniority list dated 16.11.92. Although the applicants have filed representations but the same were not replied. Therefore, the action of the respondents to regularise the juniors and not to consider the applicants at the relevant point of seniority is an arbitrary act, which is not sustainable in law.

6. I am, therefore, of the opinion that the applicants are entitled to be considered for regularisation on the date when their juniors have been regularised.

7. Therefore, this OA is allowed and the respondents are directed to consider the candidature of the applicants for regularisation from the date their juniors have been regularised, with all consequential benefits. No order as to costs.


(S.K.AGARWAL)
MEMBER (J)