

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH:  
JAIPUR.

1. O.A. No.178/96 Date of order: 9.7.98

Kanhaiya Lal Gurjar son of Shri Ram Chandar Gurjar, aged around 27 years, resident of Plot No.336, A.K.Gopalan Nagar, Jaswant Nagar, Khatipura, Jaipur, Coalman loading Casual Labour, Loco shed, Western Railway, Jaipur.

: Applicant

Versus

- 1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
- 2. Divisional Railway Manager, Western Railway, Jaipur.
- 3. Divisional Railway Manager, Western Railway, Kota.

: Respondents

2. OA NO. 190/1996

Mohan Lal Gurjar son of Shri Bhanwar Lal Gurjar, aged around 30 years, resident of Village Padli, Post Kothun, Tehsil Chaksu, District Jaipur. Coalman loading Casual Labour, Loco shed, Western Railway, Jaipur.

: Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
3. Divisional Railway Manager, Western Railway, Kota Division, Kota.

: Respondents

Mr. R.N. Mathur, counsel for the applicant

Mr. Manish Phandari, counsel for the respondents

CORAM:

HON'BLE SHRI PATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

PER HON'BLE SHRI PATAN PRAKASH, MEMBER (JUDICIAL)

Both the OAs i.e. filed by Shri Kanhaiya Lal Gurjar OA No.178/96 and the one filed by Shri Mchan Lal Gurjar 180/96 are being disposed of by a common order as the facts and the question of law involved are inter-related.

2. The undisputed facts of these OAs are that both the applicants were initially appointed as Coalmen in the Loco shed, Western Railway, Jaipur and worked with the respondents from time to time. It is the case of the applicants that in similar matters directions were given

by Jodhpur Bench of the Tribunal to frame a scheme for such workers in OA No.581/1988 Om Prakash and others Vs. Union of India and others which was disposed on 21.1.1992. Following this judgment, the Principal Bench of this Tribunal in Mohan Lal and 31 others Vs. Union of India and others, OA No.2685/91, decided on 16.7.1992 gave certain directions to the respondents to consider the suitability of the applicants therein as also those similarly situated on the basis of their respective length of service and other relevant criteria to accommodate them as casual labour wherever vacancies exist and in accordance with the scheme which was said to be under preparation. The respondents thereafter have issued a policy entitled 'treatment of piece-rated contract labour of Jaipur Division as casual labour on Western Railway'. This scheme is at Annexure F/1 with the reply of the respondents. To facilitate the matter, the scheme formulated is reproduced as under:-

"In the light of the directions given by the CAT/Principal Bench in their judgment dt. 16.7.92 in OA No.2685/91 - Mohanlal & Ors Vs. U.O.I. and considering all relevant factors, Railway Board have decided that the contract labour engaged on piece rate basis may be considered for engagement as casual labour on the Railway subject to the following stipulations:-

- i) Such of the contract labour will be engaged as Casual labour who have worked as such for at least 120 days during the preceding two years as on 1.7.92;
- ii) Their engagement as casual labour will only be considered in Mechanical Deptt., on the railway as a whole, depending upon the requirements.
- iii) The casual labour to be so engaged have to satisfy the prescribed age limits namely 18-28 years. Upper age limit may be relaxed to the extent of engagement as piece-rated contract labour.
- iv) Once engaged as casual labour, they will be

*[Handwritten signature]*

governed by instructions as applicable to casual labour.


Please acknowledge receipt.

Sd/-  
(P.L.N.Sharma)  
Dy. Director, Estt. (N),  
Railway Board."

3. In view of the aforesaid scheme, the learned counsel for the respondents states that the applicants in these two OAs shall also be considered if not already considered so far.

4. In any case, the respondents are hereby directed to consider the applicants and to accord them the necessary of an employee & benefit status/as envisaged by the aforesaid scheme if the applicants are otherwise eligible and fulfil the requirement of this scheme. The respondents are given four months time to implement the aforesaid directions from the date of receipt of a copy of this order. The action taken by the respondents on the basis of the aforesaid directions shall also be communicated to the applicants.

5. These OAs stand disposed of accordingly with no order as to cost. A copy each of this order shall be kept in both the files of the OAs.

  
(PATAN PRAKASH)  
JUDICIAL MEMBER