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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R.

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O.A.No.316/1996

Date of order: 11.10.1996

Adal Singh & others

: Applicants

Vs.

Union of India & Ors.

: Respondents

Mr. Shiv Kumar, counsel for the applicants

Mr. Manish Bhandari, counsel for the respondents

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this application under Section 19 of the Administrative Tribunals Act, 1985, S/Shri Adal Singh, Manak Chand, Hari Singh and Zaman Singh have prayed that respondents No.1 and 2 i.e. Union of India through General Manager, Western Railway, Churchgate, Bombay and the Divisional Railway Manager, Western Railway, Kota Division, Kota may be directed to take the applicants on duty forth-with in compliance with the transfer order dated 26.2.1996 and relieving order dated 1.3.1996 with all consequential benefits including due salary for the period from 6.3.1996 till the date they are taken on duty.

2. The facts of the case as stated by the applicants are that they were initially appointed, some in 1986 and some in 1987, in the Railway Electrification Project in Kota Division. They have all been granted temporary status and have been placed in scale Rs.950-1500. They were transferred from Kota to

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Niwai in Jaipur Division in 1991 and thereafter they were transferred to Sawai Madhopur and yet again from Sawai Madhopur to Bandikui in April, 1993. On completion of project work at Bandikui they were transferred to other Divisions in Western Railway. The applicants had earlier filed an OA, No.1/95 Adal Singh and others vs. Union of India and others before this bench of the Tribunal which was disposed of by order dated 28.3.1995 (Annex.A-1) by which a direction was given to the respondents that on completion of work they should be transferred back to Kota Division. Eventually the applicants weretransferred to Kota by order dated 26.2.1996 (Annex.A-3). Accordingly a relieving order dated 1.3.1996 was issued by the IOW under whom they were working at the time when this transfer order dated 26.2.1996 was passed. The applicants reported for duty to the office of respondent No.2, the Divisional Railway Manager, Kota. They were asked to await for further orders. However, no orders have been issued and they have also not been paid any salary. No reasons have been given for ^{not} taking them on duty. The applicants have stated that since they have come to Kota in pursuance of the orders of transfer passed by respondent No.3 and they have reported for duty, they are entitled to their monthly pay and allowances.

3. No reply has been filed by the respondents.

4. We have heard the learned counsel for the parties and have perused the material on record. We have also gone through the order Annexure A-1 dated 28.3.1995 passed in the earlier O.A. filed by the applicant before this bench of the Tribunal.

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5. In the earlier O.A. the applicants had prayed that on completion of the Project work in Divisions other than Kota on which they were engaged on transfer from Kota, they should be sent back to Kota Division where their seniority as casual labour is maintained and where they are entitled to be considered for regularisation and absorption. This prayer of the applicants was accepted and thereafter order Annexure A-3 dated 26.2.1996 was passed transferring the applicants to Kota. Now the prayer in the present application is that work should be provided to the applicants in Kota and they should also be granted their pay and allowances because they have reported for duty at Kota in pursuance of an order passed by the respondent No.3 under whom they were last working before transfer to Kota. It is an admitted fact that the applicants are casual labours. Their initial transfer from Kota to Projects of other Divisions was apparently for the reason that no work was available in Kota. Now that they have been transferred back to Kota, after their prayer in the OA filed by them was accepted by the Tribunal, they can be given work in Kota Division only on its being available and in accordance with their seniority position vis-a-vis other casual labourers. Therefore, the Tribunal cannot give a direction that they must necessarily be provided with work in Kota Division regardless of the availability of work and regardless of their seniority position on the basis of which they can be assigned work.


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6. The learned counsel for the respondents however stated that in case the applicants make applications before the concerned Railway Authorities to the effect that they are willing to again go out of Kota Division to places where work is available, the administration would consider their request sympathetically and effort would be made to provide them work where-ever it is available outside Kota Division. The learned counsel for the applicants states that the applicants would be moving such applications and necessary action may thereafter be taken by the administration in this regard. Of course, now that the applicants have come back to Kota Division on their own insistence regardless of the availability of work, they will have to move to other Divisions where work would be provided to them, at their own cost.

7. We accordingly direct the respondents that if the applicants move such applications, the administration may sympathetically consider their request for providing them work where-ever it is available outside Kota Division. However, before doing so, the respondents may also check-up whether work is available in Kota Division which can be assigned to them on the basis of the applicants' existing seniority position and if so they shall in the first instance try to provide them work in Kota Division itself. If work in Kota Division is not available or the applicants are not entitled to assignment of work in Kota Division in accordance with their seniority position, the respondents may transfer them to other Divisions where work is available.

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


(RATAN PRAKASH)
MEMBER (J)


(O.P. SHARMA)
MEMBER (A)