

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 117 of 2005

Bilaspur, this the 6th day of March, 2006

Hon'ble Shri Justice B. Panigrahi, Chairman

Hon'ble Shri Shankar Prasad, Administrative Member

1. P.V.L. Srinivas Acharya, S/o. late Shri Keshwaswamy, aged about 37 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
2. Mahendra Nayak, S/o. Shri Rapu Nayak, aged about 35 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
3. Asim Kumar Tudu, S/o. Shri Satish Tudu, aged about 42 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
4. Mahendra Maharana, S/o. Shri D. Maharana, aged about 34 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
5. Deepak Nowkhare, S/o. Shri Amrulal Nowkhare, aged about 36 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
6. Kailash Behra, S/o. Shri D. Behra, Aged about 31 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
7. Anup Yadav, S/o. Shri Manuram Yadav, Aged about 40 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
8. Anil Kumar Yadav, S/o. Shri Manuram Yadav, aged about 39 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
9. Dasarath, S/o. Shri Punam, aged about 38 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
10. Chote Sab, S/o. Shri Agnu, aged about 37 years, engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).
11. Ramesh Kumar Sahu, S/o. Shri Manrakhan Sahu, aged about 39 years, Engaged as Casual Parcel Porter, SEC Railway, Dongargarh, District : Rajnandgaon (CG).

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12. Ramswaroop, S/o. Shri Amol Sahu,
aged about 28 years, Engaged as
Casual Parcel Porter, SEC Railway,
Dongargarh, District :
Rajnandgaon (CG). ... Applicants

(By Advocate - Shri B.P. Rao)

V e r s u s

1. Union of India, through : the
General Manager, South East Central
Railway, Bilaspur Zone, G.M. Office,
PO : Bilaspur, District : Bilaspur (CG).
2. The Dy. Chief Personnel Officer (Cadre),
South East Central Railway,
Bilaspur Zone, CPO Office,
PO : Bilaspur - 495001 (CG).
3. The Divisional Railway Manager,
South East Central Railway,
Nagpur Division, Nagpur - 440001 (MS).
4. The Divisional Railway Manager
(Commercial), South East Central
Railway, Nagpur Division,
Nagpur - 440001 (MS). ... Respondents

(By Advocate - Shri H.B. Shrivastava)

O R D E R (Oral)By Justice B.Panigrahi, Chairman.-

The applicants have claimed that they were screened as Casual Parcel Porters at Dongargarh station to handle railway parcels from one place to another on daily wages basis since 1995. The applicants were allowed to work for four hours a day for a whole month, but on a gap of one month on rotational basis. Since 1997, the working hours were raised to 8 hours a day, but the applicants were allowed to work for 6 days in a week on rotational basis. The Railway Mazdoor Union raised an industrial dispute before ALC(C), Raipur which was subsequently referred to CGIT Jabalpur. It seems that the matter is still pending before the CGIT at Jabalpur, in which the applicants have claimed that the respondents have agreed in their reply to the reference

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that "it is true that the Rly. Administration has initiated and processing action for recruitment not as Gangman & Porters but as Tracekmen in S.E. Rly. over Nagpur divn. It is submitted that the license porters will be given preference at the time of screening over other candidates when they qualify in the subject selection". The same assurance was also given before the CGIT in another reference. Therefore, on the basis of the assurance given by the respondents, the applicants in this case have prayed for appropriate direction against the respondents to provide necessary preference while considering their case for engagement as substitutes.

2. While appreciating the contention of the learned counsel for the applicant, we have taken note of the fact that the applicants have never worked as full time casual workers. They have only rendered service as part-time casual labourers. This assurance was never given by the respondents before this Tribunal. The reference is pending before the CGIT. Therefore, whether that assurance can be acted upon, it is for the CGIT and not for the Tribunal to decide. Even assuming such an assurance has been given, it is not covered under the rules. Be that as it may, since main issue is before the CGIT, we are not able to address ourselves of that question as regards the enforceability of such an assurance. It seems, in the meanwhile the respondents have already advertised for filling up all those posts. In that event, it is left to the discretion of the appointing authority to consider whether the claim of the part time casual labourers can be considered while filling up those vacancies, if they qualify in the test or not.

3. With the above direction, the application is disposed of. No costs.

Shankar Prasad
(Shankar Prasad)
Administrative Member

B. Panigrahi
(B. Panigrahi)
Chairman

पृष्ठांकन सं ओ/न्या.....जेलपुर, दि.....

पत्रिका/पत्रिका के नाम:-

- (1) सचिव, जेलपुर, जेलपुर
- (2) अध्यक्ष, जेलपुर, जेलपुर
- (3) सचिव, जेलपुर, जेलपुर
- (4) अध्यक्ष, जेलपुर, जेलपुर

B.P. Singh Durg
H. B. Singh Durg
B.P. Singh

16/3/06

16-3-06