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THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY	11.05.2009	ORDERS OF THE TRIBUNAL
		<p><u>OA No. 96/2009 WITH MA 113/2009 & 114/2009</u></p> <p>Mr. Harpeet Singh, Counsel for applicant.</p> <p><u>MA 113/2009</u></p> <p>This application has been moved by the applicants for impleading S/Shri Shravan Kumar and Ajay Kumar Parik as applicants in the OA. Along with this MA, the applicants have also filed the copy of the Amended Cause Title.</p> <p>In view of the averments made in the MA, the same is allowed. The Amended Cause Title shall form part of the main OA.</p> <p>The MA shall stands disposed of accordingly.</p> <p><u>MA 114/2009</u></p> <p>This application has been moved by the applicants for seeking direction to file joint application.</p> <p>In view of the averments made in the MA, the same is allowed. The applicants are permitted to file joint OA.</p> <p>The MA shall stands disposed of accordingly.</p> <p><u>OA 96/2009</u></p> <p>Heard learned counsel for the applicants.</p> <p>For the reasons dictated separately, the OA is disposed of.</p> <p style="text-align: right;"> (B.L. KHATRI) MEMBER (A)</p> <p style="text-align: right;"> (M.L. CHAUHAN) MEMBER (J)</p> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 11th May, 2009

ORIGINAL APPLICATION NO. 96/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Railway Contractor Labour Association through Abhilash Saxena, General Secretary, B-599, Murlipura Scheme, Jaipur.
2. Shri Shravan Kumar son of Shri Bhuraram, resident of Village & Post Office Mandota, Via Khud, District Sikar (Rajasthan).
3. Ajay Kumar son of Shri Shiv Bhagwan, resident of Village Ghatwa, P.S. Nawan, District Nagor.

.....APPLICANTS

(By Advocate: Mr. Harpreet Singh)

VERSUS

1. Union of India through the General Manager, North Western Railway, Zonal headquarters, Ganpati Nagar, Jaipur.
2. The Chief Personnel Officer, North West Railway, Hasanpura Road, Ganpati Nagar, Jaipur.

.....RESPONDENTS

(By Advocate : -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- a) The respondents be directed to consider the regular absorption of the Petitioners against the existing available vacancies under Group 'D' Cadre. As per the circulars dated 30.12.20004 and 25.07.2007 which collectively Annexure A/1.
- b) The respondents be directed to consider the representations of the Petitioners by passing a speaking and reasoned order and to communicate the same to the Petitioners.
- c) The respondents be directed to transmit and certify before this Hon'ble Tribunal all records and documents relating to the works performed by the Petitioners for a long periods as Coal and ash Contractor labour so that the Petitioners may get concessionable justice from this Hon'ble Tribunal.

- d) Leave may be granted jointly Petition under Rule 4(5)(a) to the CAT (Procedure) Rule, 1987.
- e) The Respondents be directed to consider the regular appointment of the Petitioners after taking into account their long period of service in the said Railway under any Group 'D'
- f) Pass an order directing the respondents to act in accordance with the General Policy framed by the Ministry of Railway Government of India regarding absorption of Contractor labours in Group 'D' post with Eastern Railway.
- g) To pass such further or other order or orders as to your Lordships may deem fit and proper."

2. Briefly stated facts of the case are that the first applicant is the Association. Applicants nos. 2 & 3 are beneficiary claiming that they were working for a long period as Contractor's labour for loading & unloading up to closure of the Coal & Ash Steam Locos head. It is their case that they have made a representation to the authorities regarding their grievances but no action has been taken by the respondents so far.

3. Learned counsel for the applicant argued that applicants were entitled to the relief pursuant to Railway Board's circular dated 30.12.2004 and 25.07.2007 (Annexure A/1 collectively). He has also drawn our attention to the order dated 30.01.2009 (Annexure A/2) passed by the Calcutta Bench of the Tribunal in OA No. 1034/2008, which judgement has been passed in terms of the decision rendered by the Apex Court in W.P. No. 507 of 1992 and 415 of 1992 decided on 09.05.1995 and submits that he will be satisfied if directions is given to the respondents to decide the representation of the applicants dated 16.06.2008 within a specified period in terms of the aforesaid judgement.

4. In view of what has been stated above, we are of the view that ends of justice will be met if the directions is given to the respondents at the first instance to decide the representation of the applicants dated 16.06.2008 (Annexure A/3) in the light of observations made above. Accordingly, respondent no. 1 is directed to decide the representations of the applicant in the light of observations made above within a period of six weeks from the date of receipt of a copy of

this order. It is, however, clarified that we have not gone into the merit of the case.

5. With these observations, the OA is disposed of at admission stage with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ