

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**ORIGINAL APPLICATION NO. 290/00053/17  
WITH MA 290/00042/17**

**JODHPUR, THIS THE 5TH DAY OF JANUARY,**

**2018**

**CORAM**

**HON'BLE MR. PRASANNA KUMAR PRADHAN, ADMINISTRATIVE MEMBER  
HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER**

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**VAZIR KHAN S/O SHRI AJIM KHAN, AGE ABOUT 59 YEARS, B/C MUSLIM,  
R/O VILLAGE GUDA AKAERAJ P.O. KESULI VIA-NADOL, DISTT. PALI, AT  
PRESENT RESIDING AT: VILLAGE-RAMASIYA, POST-HEMAWAS DISTT. PALI.**

**.....APPLICANTS**

**BY ADVOCATE: MR MAHIPAL RAJPUROHIT.**

**VERSUS**

- 1. UNION OF INDIA THROUGH THE GENERAL MANAGER, NORTH WESTERN RAILWAY, JAIPUR.**
- 2. THE DIVISIONAL RAILWAY MANAGER, NORTH WESTERN RAILWAY, AJMER DIVISION, AJMER.**
- 3. THE SENIOR DIVISIONAL PERSONNEL OFFICER, NORTH WESTERN RAILWAY, AJMER DIVISION, AJMER.**

**.....RESPONDENTS**

**BY ADVOCATE : MR GIRISH SANKHLA.**

**ORDER**

**PER PRASANNA KUMAR PRADHAN, MEMBER(A)**

**THE APPLICANT SUBMITS THAT HE WAS ENGAGED BY THE RESPONDENT-DEPARTMENT AS A CASUAL LABOUR FROM JANUARY 1976 TO TILL JUNE 1996 NEARLY ABOUT 20 ½ YEARS AND WAS REMOVED FROM THE SERVICES WITHOUT ANY JUSTIFIED ORDER, BY AN ORAL ORDER.**

**2. THE APPLICANT APPROACHED AHMEDABAD BENCH OF THIS TRIBUNAL IN OA NO. 601/1996 WHO DIRECTED THE RESPONDENTS TO CONSIDER AND DECIDE THE REPRESENTATION FOR HIS ENGAGEMENT AS A HOT WEATHER WATERMAN OBJECTIVELY. HOWEVER, HIS CASE WAS**

NOT CONSIDERED BY THE RESPONDENTS. WHEN THE APPLICANT CAME TO KNOW FROM THE SOURCES THAT SUCH EMPLOYEES WORKING AS HOT WEATHER WATERMEN IN THE RESPONDENT DEPARTMENT AND WHOSE NAMES ARE PLACED ON THE LIVE CASUAL LABOUR REGISTER ARE BEING CONSIDERED FOR REGULARIZATION, HE MADE REPRESENTATION TO THE RESPONDENT-DEPARTMENT BUT WITHOUT ANY RESULT. HE AGAIN APPROACHED THIS TRIBUNAL IN OA NO. 510/2011 SEEKING DIRECTION FOR REINSTATEMENT/RE-EMPLOYMENT ALONGWITH REGULARIZATION OF SERVICE. HOWEVER, THE TRIBUNAL DISALLOWED THE SAID OA MAINLY ON THE GROUND OF LIMITATION. HE APPROACHED THE HON'BLE HIGH COURT AGAINST THE SAID ORDER BUT THE WRIT PETITION WAS DISMISSED. NOW, THE APPLICANT HAS FILED THE PRESENT OA SEEKING PENSIONARY BENEFITS AND LEGAL DUES FOR SERVICE RENDERED BY HIM TO THE RESPONDENTS SAYING THAT HE HAD ISSUED LEGAL NOTICE TO THE RESPONDENTS ON 08.03.2016 BUT THERE HAS BEEN NO RESPONSE TO THE SAME.

3. THE RESPONDENTS HAVE FILED A REPLY STATEMENT IN WHICH THEY HAVE INDICATED THAT THE APPLICANT WAS NEVER PROVIDED WITH REGULAR EMPLOYMENT UNDER THE RAILWAY DEPARTMENT. HE WAS JUST ENGAGED IN THE YEAR 1989, 1992 AND 1993 FOR PROVIDING THE SERVICES OF PANIWALA TO SERVE THE WATER IN THE SUMMER SEASON AT THE RAILWAY STATION. HIS SERVICES WERE JUST TAKEN ON THE TEMPORARY BASIS AND CONTRACTUALLY AND HE WAS NEVER GRANTED ANY PERMANENT STATUS OF THE RAILWAY EMPLOYEE. THEREFORE, THE QUESTION OF PENSIONARY BENEFITS TO SUCH EMPLOYEES DOES NOT ARISE. THEY ALSO REFER TO THE ALREADY DISMISSED OA NO. 510/2011 FILED BY THE APPLICANT IN THIS TRIBUNAL.

4. WE HAVE HEARD THE LEARNED COUNSELS OF BOTH SIDES. LEARNED COUNSEL FOR THE APPLICANT WHILE REITERATING THE SUBMISSION MADE IN THE OA CITED SEVERAL JUDGMENTS WHEREIN IT HAS BEEN HELD THAT IF A PERSON CONTINUOUSLY WORKED AS A CASUAL WORKER FOR A NUMBER OF YEARS, HE OUGHT TO BE REGULARIZED. HOWEVER, HE NOWHERE ANSWER TO THE SUBMISSION OF THE RESPONDENTS THAT THE APPLICANT WAS ENGAGED FOR TEMPORARY DURING 03 YEARS AND NOT FOR 20 YEARS AS CLAIMED BY HIM AND WAS NOT A REGULAR EMPLOYEE.

5. MA NO. 290/00042/17 HAS ALSO BEEN FILED SEEKING CONDONATION OF DELAY IN FILING THE OA BY SAYING THAT SINCE THE MATTER IS OF PENSIONARY BENEFITS, THE DELAY SHOULD BE CONDONED.

6. WE HAVE CONSIDERED THE MATTER. IT IS EVIDENTLY CLEAR FROM THE SUBMISSIONS THAT THE APPLICANT WAS ENGAGED TEMPORARILY FOR CERTAIN PERIOD AND HAS NEVER BEEN A REGULAR EMPLOYEE UNDER THE RESPONDENT-DEPARTMENT. HIS EARLIER PLEA FOR REINSTATEMENT AS CASUAL LABOUR HAS ALSO BEEN DISALLOWED. WHEN A PERSON IS NOT A REGULAR EMPLOYEE OF AN ORGANIZATION,

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**THE QUESTION OF GRANT OF ANY PENSIONARY BENEFIT DOES NOT ARISE.  
HENCE, WE SEE NO MERIT IN THE CONTENTION MADE IN THE OA.  
ACCORDINGLY, OA BEING DEVOID OF ANY MERIT STANDS DISMISSED. NO  
ORDER AS TO COSTS.**

**(SURESH KUMAR MONGA)  
PRADHAN)**

**(PRASANNA KUMAR**

**MEMBER (J)  
MEMBER (A)**

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