

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 573/2015
CONNECTED WITH
ORIGINAL APPLICATION NO.599/2016
WITH
ORIGINAL APPLICATION NO.574/2015
WITH
ORIGINAL APPLICATION NO.135/2014
WITH
ORIGINAL APPLICATION NO.136/2014
WITH
ORIGINAL APPLICATION NO.739/2014
WITH
ORIGINAL APPLICATION NO.752/2014

Date Of Decision:- 17th January, 2019.

*CORAM: R. VIJAYKUMAR, MEMBER (A).
RAVINDER KAUR, MEMBER (J).*

OA No.573/2015

Shri. Kishor Bhagwan Shelar

Son of Bhagwan Shelar,

Age: 47 years,

(DOB) 09.03.1968)

Worked as: Ex- Casual Labourer,

under PWI (Yard) (P-way Inspector)

Central Railway, Bhusawal, and

R/a:- RBI 648 Haddiwali Chawl

Bhusawal Tal- Bhusawal

District Jalgaon Pin Code 425201. Maharashtra.

....Applicant

*(Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky
Nagrani)*

Versus

1. Union of India

Through the General Manager,

Central Railway, CSTM,

Mumbai 400001.

2. The Divisional Railway Manager (DRM's Office)
Central Railway, Bhusawal Division,
Bhusawal 425201.*Respondents*
(*Respondents by Advocate Shri. V.D. Vadhavkar*)

Connected with OA No.599/2016

Shri. Santosh Kisan Divate
Son of Kisan Divate
Age: 50 years,
(DOB 02.01.1967)
Worked as: Casual Labourer (Card No.423249)
(under P-way Inspector (C))
Central Railway, Thal &
Residing at: Ved-Vedai, CHS,
R. No.: 201, 'F Wing', At Po Kalyan,
Khadakpada, Dist:- Thane,
Pin Code 421301, Maharashtra.*Applicant*
(*Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky*
Nagrani)

Versus

1. Union of India
Through the General Manager,
Central Railway, CSTM,
Mumbai 400001.

2. The Divisional Railway Manager
Central Railway, Mumbai Division,
Mumbai 400001.*Respondents*
(*Respondents by Advocate Shri. R.R. Shetty*)

Connected with OA No.574/2015

Shri. Subhash Motiram Meshram
Son of Motiram Meshram,
Age: 49 years,
(DOB) 06.01.1966)
Worked as: Ex- Casual Labourer,
under Loco Forman, Loco Shed
Central Railway, Bhusawal, and
R/a:- Dhanora (Patekar) Post Nimbha,
Tal Murtizapur
District Akola, Pin code 444107. Maharashtra.

....Applicant

(Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky Nagrani)

Versus

1. Union of India

Through the General Manager,
Central Railway, CSTM,
Mumbai 400001.

2. The Divisional Railway Manager, DRM's Office

Central Railway, Bhusawal Division,
Bhusawal 425201.

....Respondents

(Respondents by Advocate Shri. V.D. Vadhavkar)

Connected with OA No.135/2014

Shri. Raghunath Keshav More

Son of Keshav More

Age about 48 years,

(Date of Birth: 01.06.1965),

Worked as: Ex-Casual Labourer,
under IOW (Inspector of Works)

(Const.) North Central Railway,

Kalyan, and Residing at: Private Road,

Indira Vikas Nagar, Gali No. 41 Room

No. 14 Pune. Taluka Haveli District: Pune.

Pin Code: 411 001,

State of Maharashtra.

....Applicant

(Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky Nagrani)

Versus

1. The Union of India

Through: The General Manager
Central Railway, CSTM,
Mumbai 400001.

2. The Divisional Railway Manager

DRM's Office

Central Railway, Mumbai

Division, Mumbai 400 001.

..Respondents

(Respondents by Advocate Shri. V.S. Masurkar)

Connected with OA No.136/2014

Shri. Gulab Vithal Bobade

Son of Vithal Bobade

Age about 48 years,

(Date of Birth: 10.09.1965),

Worked as: Ex-Casual Labourer,
under IOW (Inspector of Works)

(Const.) North Central Railway,

Kalyan, and Residing at: Private Road,

Near Nalanda Baudh Vihar, Gali No.30,

Room No. 25 Pune, Taluka Haveli District: Pune.

Pin Code: 411 001,

State of Maharashtra.

....Applicant

(Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky Nagrani)

Versus

1. The Union of India

Through: The General Manager

Central Railway, CSTM,

Mumbai 400001.

2. The Divisional Railway Manager

DRM's Office

Central Railway, Mumbai

Division, Mumbai 400 001.

..Respondents

(Respondents by Advocate Shri. V.S. Masurkar)

Connected with OA No.739/2014

Shri. Prakash Bhika Kurhe

Son of Bhika Kurhe

Age:- about 47 years,

(DOB 16.09.1967)

Worked as: Ex-Casual Labourer,

Under PWI (Yard) (P-way Inspector)

Central Railway, Bhusawal and

R/a: Near Mamaji Talkies,

Gawaliwada, Bhusawal Tal- Bhusawal,

District Jalgaon, Pin Code: 425201,

State of Maharashtra.

....Applicant

(Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky Nagrani)

Versus

1. The Union of India

Through: The General Manager
Central Railway, CSTM,
Mumbai 400001.

2. The Divisional Railway Manager

DRM's Office
Central Railway, Bhusawal Division,
Bhusawal 425201.

(Respondents by Advocate Shri. V.S. Masurkar) ... Respondents

Connected with OA No. 752/2014.

Shri. Vijay Baburao Badade

Son of Baburao Badade,
Age: about 52 years,
(Date of Birth: 07.10.1962),
Worked as: Ex-Casual Labourer,
under PWI (P-Way Inspector)
Central Railway, Bhusawal,
and Residing at: 195 Maruti
Mandir Parisar, Koliwada,
Valkhed, Tal: Dindori,
District: Nashik,
Pin Code: 425 202,
State of Maharashtra.

... Applicant.

(Applicant by Advocates Ms. Vaishali Agane and Shri. Vicky Nagrani)

Versus

1. The Union of India,

Through:
The General Manager,
Central Railway, CSTM,
Mumbai-400001.

2. The Divisional Railway Manager,

DRM's Office,
Central Railway, Bhusawal
Division, Bhusawal-425 201.

... Respondents

(Respondents by Advocate Shri. V.S. Masurkar)

ORDER (ORAL)

Per:- R. Vijaykumar, Member (A)

I. These OAs were filed by the above applicants on 15.01.2019, 13.07.2016, 03.08.2015, 25.11.2013, 25.11.2013, 13.11.2014 and 17.11.2014 respectively under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs:-

“Reliefs in OA No. 573/2015:

“8(a) This Hon'ble Tribunal may be graciously pleased to call for the records of the case from the respondents and after examining the same direct the respondents to follow the judgment of the Hon'ble Tribunal dated 29th November, 2011 in OA No.762 of 2011, OA No.763 of 2011 and OA No.764 of 2011 and grant him absorption in group 'D' post.

(b) Consequently the Hon'ble Tribunal may be pleased to declare that the Impugned Order i.e. Annexure “A1” is illegal and quash the same.

(c) Direct the respondents to screen the applicant in accordance with decisions dated 09.06.2010, 21.04.2011 and 29.11.2011.

(d) The Hon'ble Tribunal may be pleased to grant such other relief as this Hon'ble Tribunal feels it necessary to grant the same with costs.”

“Reliefs in OA No. 599/2015:

8(a) This Hon'ble Tribunal may graciously

please to call for the records of the case from the Respondent and direct to the Respondent to consider the applicants representation.

(b) Direct the Respondents to follow the judgment of the Hon'ble Tribunal dated 09.06.2010 in OA No.442 of 2004 & 50 Others OA., as confirmed by the Hon'ble High Court in WP No.607/2011 dated 17.02.2011 and 21.04.2011 in Notice of Motion No. 187/2011 in WP No.2392 of 2006 and Notice of Motion No.188 of 2011 in WP No.2442 of 2006. And direct the respondent to follow the order of the Hon'ble CAT dated 29th November, 2011 in OA No.762/2011, OA No.763/2011 and OA No.764/2011.

(c) Direct the respondents to screen the applicant on the basis of notification dated 09.10.1998 & 21.05.1999 and grant him absorption in group 'D' Post.

(d) The further consequential benefit be granted to the applicant by declaring that the applicant deserves to be absorbed in Group 'D' post w.e.f. 09.10.1998 with all consequential benefits.

(e) Pass any other and further order as this Hon'ble Tribunal deems fit and proper and necessary in the nature & circumstances of the case."

“Reliefs in OA No. 574/2015:

“8(a) This Hon'ble Tribunal may be graciously pleased to call for the records of the case from the respondents and after examining the same direct the respondents to follow the judgment of the Hon'ble Tribunal dated 29th November, 2011 in OA No.762 of 2011, OA No.763 of 2011 and OA No.764 of 2011 and grant him absorption in group 'D' post.

(b) Direct the respondents to consider the applicant representation as per the cases of Shri. Dhole & two others.

(c) Direct the respondents to screen the applicant in accordance with decisions dated 09.06.2010, 21.04.2011 and 29.11.2011.

(d) The Hon'ble Tribunal may be pleased to grant such other relief as this Hon'ble Tribunal feels it necessary to grant the same with costs.”

“Reliefs in OA No. 135/2014:

8(a) This Hon'ble Tribunal may be graciously pleased to call for the records of the case from the Respondents and after examining the same direct the Respondents to follow the judgment of the Hon'ble Tribunal dated 9.6.2010 in O.A.No.442 of 2004 and 50 others O.A., as confirmed by the Hon'ble High Court in W.P. No.607/2011

dated 17.2.2011 and 21.4.2011 in Notice of Motion No. 187 of 2011 in W.P, No.2392 of 2006 and Notice of Motion No.188 of 2011 in W.P.No.2442 of 2006 and direct the Respondent to follow the order of the Hon'ble CAT dated 29th of November, 2011 in O.A. No. 762 of 2011, O.A.No.763 of 2011 and O.A. No.764 of 2011.

(b) Consequently the Hon'ble Tribunal may be pleased to declare that the Impugned Order i.e. Annexure "A1." is illegal and quash the same.

(c) Direct the Respondents to screen the Applicant on the basis of notification dated 21.5.1999 and grant him absorption in group 'D' post.

(d) The further consequential benefit be granted to the Applicant by declaring that the Applicant deserves to be absorbed in group 'D' post w.e.f. 09.10.1998/ 21.05.1999 with all consequential benefits."

Reliefs in OA No. 136/2014:

8(a) This Hon'ble Tribunal may be graciously pleased to call for the records of the case from the Respondents and after examining the same direct the Respondents to follow the judgment of the Hon'ble Tribunal dated 9.6.2010 in O.A.No.442 of 2004 and 50 others O.A., as confirmed by the Hon'ble High Court in W.P. No.607/2011 dated 17.2.2011 and 21.4.2011 in Notice of Motion No. 187 of 2011 in W.P, No.2392 of 2006 and Notice of Motion No.188 of 2011 in W.P.No.2442 of 2006 and direct the Respondent to follow the order of the Hon'ble CAT dated 29th of November, 2011 in O.A. No. 762 of 2011, O.A.No.763 of 2011 and O.A. No.764 of 2011.

(b) Consequently the Hon'ble Tribunal may be pleased to declare that the Impugned Order i.e. Annexure "A1." is illegal and quash the same.

(c) Direct the Respondents to screen the Applicant on the basis of

notification dated 21.5.1999 and grant him absorption in group 'D' post.

(d) The further consequential benefit be granted to the Applicant by declaring that the Applicant deserves to be absorbed in group 'D' post w.e.f. 09.10.1998/21.05.1999 with all consequential benefits."

Reliefs in OA No. 739/2014:

"8(a) This Hon'ble Tribunal may be graciously pleased to call for the records of the case from the respondents and after examining the same direct the respondents to follow the judgment of the Hon'ble Tribunal dated 29th November 2011 in OA No.762 of 2011, OA No.763 of 2011 and OA No.764 of 2011.

(b) Consequently the Hon'ble tribunal may be pleased to declare that the Impugned Order i.e. Annexure "A1" is illegal and quash the same.

(c) Direct the respondents to screen the applicant on the basis of notification dated 21.05.1999 and grant him absorption in Group 'D' post.

(d) The further consequential benefit be granted to the applicant by declaring that the applicant deserves to be absorbed in Group 'D' post with all

consequential benefits.”

Reliefs in OA No. 752/2014:

“8(a). This Hon'ble Tribunal may be graciously pleased to call for the records of the case from the respondents and after examining the same direct the Respondents to follow the judgment of the Hon'ble Tribunal dated 29th of November, 2011 in OA No.762 of 2011, OA No.763 of 2011 and OA No.764 of 2011 and grant him absorption in Group 'D' post.

(b). Consequently the Hon'ble Tribunal may be pleased to declare that the Impugned order i.e. Annexure “A1” is illegal and quash the same.

(c). Direct the Respondents to screen the Applicant in accordance with decisions dated 09.06.2010, 21.04.2011, and 29.11.2011.

(d). The Hon'ble Tribunal may be pleased to grant such relief as this Hon'ble Tribunal feels it necessary to grant the same with costs.”

ORDER (ORAL)

Per:- R. Vijaykumar, Member (A)

2. Today, when the case was called, heard Shri. Vicky Nagrani and Ms. Vaishali Agane, learned counsels for applicants in all the above OAs; Shri. V.D. Vadhavkar, learned counsel for Respondents in OA Nos. 573/2015 & 574/2015; Shri. V.S.

Masurkar, learned counsel for Respondents in OA Nos. 135/2014, 136/2014 & 752/2014 and Shri. R.R. Shetty, learned counsel for Respondents in OA No. 599/2016.

3. The learned counsel for respondents brings to notice the judgment of the Hon'ble High Court in a similar batch of cases which were already decided by this Tribunal in OA No.415/2012 and in OA No.394/2009. The facts and circumstances of the present applicants in this batch of cases is identical to those cases and the decision of this Tribunal in those OAs upheld by the Hon'ble High Court squarely applies.

4. In the circumstances, these OAs are dismissed for the same reason without any order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

srp

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