

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 254/2003, MA 269/2003

NEW DELHI, THIS THE 30TH DAY OF MAY, 2003

HON'BLE SH. SHANKER RAJU, MEMBER (J)

1. Balbir Singh, S/o Sh. Samant Ram
R/o Vill. & P.O. Devarala, Distt. Bhiwani (Har.)
2. Cheddi Lal, S/o Sh. Ram Sukh
R/o Seva Nagar, Ashram Wali Gali
Gali No.6, Meerut Road, Ghaziabad (UP)
3. Vijay Pal, S/o Sh. Hukam Singh
R/o Vill. & P.O. Dabthara, Post Makumpur
Distt. Bandal (UP).
4. Dorey Ram, S/o Sh. Narayan Singh
R/o Jhuggi No.Ow-34/5, Shiv Basti;
Rama Road, Near Patel Nagar Railway Station,
New Delhi.
5. Ram Pat, S/o Sh. Shiv Charan
R/o Jhuggi No.6, Near Railway Quarter No.
T-28, Railway Colony, Pili Kothi, Delhi Queens
Road, New Delhi.

...Applicants

(By Advocate Sh. Yogesh Sharma)

v e r s u s

1. Union of India through the General Manager
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Division
Nr. New Delhi Railway Station, New Delhi.
3. The Divisional Personnel Officer
Northern Railway, DRM Office
Nr. New Delhi Railway Station, New Delhi.

...Respondents

(By Advocate Sh. Rajender Khatter, proxy
for Sh. V.S.R.Krishna)

- 2/-

SH. SHANKER RAJU,

Heard the parties. MA 269/2003 for joining together is allowed. Applicants being aggrieved by non-engagement on casual basis having their names already registered in LCLR, approached this Court in OA 2454/2002 and in pursuance of directions to consider their grievance, respondents collectively at Annexure A-1 rejected their request on the ground that still senior persons are waiting for re-engagement from LCLR.

2. Sh. Yogesh Sharma, ld. counsel of the applicant referred to order passed by this Court in CP 71/2000 in OA 2359/98 on 12-2-2001 in an identical situated case where the same LCLR was in question. It was found from the perusal of the LCLR that person at Sl. No.226 is Amar Singh who has been stated to be engaged. The respondents were not in a position to state that on what month and date, he was engaged. Similarly person at Sl. No.227 i.e. Sh. Satya Narayan who was also stated to be re-engaged. In the light of what stated above, it is contended by Sh. Yogesh Sharma that subsequently also persons figuring below the applicants in LCLR had approached this Court and directions have been issued to re-engage them and they were accordingly re-engaged who are juniors to the applicants in LCLR. Placing reliance on the decision of UP State Mineral Corporation Vs. ^uV.K. Upadhaya (1998 (1) SLJ SC 165), it is contended that if juniors get regularized under Court order, seniors cannot be left out. Apart from the above, it is the principle of law that respondents as a model employer cannot ^ube discriminated ^uand as it is established that juniors to the applicants in LCLR had been re-engaged

whether suo moto or on Court orders, applicants cannot be denied re-engagement. (9)

3. Accordingly OA is allowed. Impugned orders are quashed and set aside. Respondents are directed to re-engage the applicants in accordance with rules having regard to their seniority position except applicant No.5 as there is a dispute regarding his place in the LCLR, whereas in the impugned order it is stated to be 218 but in the reply it is 818. Respondents to verify the same and accordingly re-engage the applicants within three months from the date of receipt of a copy of this order. No costs.

S. Raju

(SHANKER RAJU)
MEMBER (J)

(100)