



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2018/2003

New Delhi this the 28th day of August, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

1. Shri Jagan Nath,
S/O Shri Pyere Lal,
Helper Khallasi,
Under Carriage and Wagon,
Northern Railway, Delhi
Main, New Delhi.
2. Shri Bhagwan Dass,
S/O Shri Chiranjee Lal,
Helper Khallasi,
Under Carriage and Wagon,
Northern Railway, Delhi
Main, New Delhi.
3. Shri Bhagwan Singh,
S/O Shri Ram Singh,
Helper Khallasi,
Under Carriage and Wagon,
Northern Railway, Hazrat
Nizamuddin, New Delhi.
4. Shri Hardayal,
S/O Shri Chottee Lal,
Helper Khallasi,
Under Carriage & Wagon,
Northern Railway, Hazrat
Nizamuddin, New Delhi.
5. Shri Rajoo,
S/O Shri Moha Singh,
Helper Khallasi,
Under Carriage and Wagon,
Northern Railway, Hazrat
Nizamuddin, New Delhi.

(By Advocate Shri Amit Anand)

..Applicants

VERSUS

Union of India : Through

1. The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, State Entry Road,
New Delhi.
3. Chief Health Inspector (Malaria),
Northern Railway, Divisional
Hospital, New Delhi.

Respondents

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O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

Heard Shri Amit Anand, learned counsel for the applicants.

2. The grievance of the applicants in the present case is that they have not been paid arrears of pay and allowances for the period prior to the orders issued by the respondents granting them temporary status. According to the learned counsel for the applicants, five applicants had been engaged with the Railways as casual labourers/Khalasies in the years 1983 and 1984, whereas they were granted temporary status much later in 1989 and 1993 as per the statement given by them (Annexure A-5). He has relied on the orders of the Hon'ble Delhi High Court in CWP No 5246/1997 dated 27.10.1999. Learned counsel for the applicants submits that the five applicants in the present OA are similarly situated persons like the petitioners in the aforementioned CWP and therefore, they are entitled to similar benefits. In this regard, learned counsel submits that the applicants had submitted a representation to the respondents on 17.1.2003 (Page 72 of the paper book). However, there is no acknowledgement/receipt/ stamp or any other reference from the Department office about receipt of the representation. It is, however, noted that the learned counsel for the applicants submits that the respondents have taken an administrative decision to pay arrears of pay and allowances to such casual

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labourers who have been later granted temporary status but *Prima facie* in a phased manner. He has referred to the letter issued by the respondents dated 11.6.1993 (Annexure A-14) on the subject of authorized scale of pay to casual labourers on completion of four months continuous service. It is seen from this letter that the respondents have undertaken the task to grant the authorised pay scale to such casual labourers and the progress of the subject was also be discussed as an item in the monthly AEN's meeting, as also submitted by the learned counsel for the applicants.

3. Taking note of the above facts it appears that the subject matter of the OA is to be considered in the first instance by the respondents in terms of the aforesaid judgement of the Hon'ble High Court and their letter dated 11.6.1993. Therefore, in the interest of justice, I consider it appropriate to dispose of this OA with the following directions:-

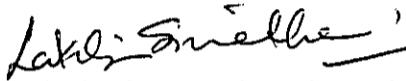
(i) The applicants shall submit a self contained representation, annexing the relevant documents they rely upon, including the various judgements and orders of the competent authority i.e. the Divisional Railway Manager/Respondent No.2 within two weeks from the date of receipt of a copy of this order;

(ii) In case such a representation is received by the respondents, they shall consider the claim of

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the applicants in accordance with law, rules and instructions and pass a speaking and reasoned order;

(iii) In case the applicants are similarly situated like the petitioners before the Hon'ble Delhi High Court in CWP 5247/1997 and other similar cases, such arrears as are due to them in accordance with law shall be arranged paid to them as early as possible and in any case within a period of six months from the date of receipt of the aforesaid representation. No costs.


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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