

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2893/2003  
MA 2505/2003

New Delhi, this the 12<sup>th</sup> day of August, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

S/Shri

1. Vishwanath, S/o Laxmi Prasad
2. Maheshwar Sahu, S/o Asharfi Sahay
3. Dharam Pal, S/o Ghasi Ram
4. Kiathbuddin, S/o Subedar
5. Jagdish, S/o Sita
6. Hira Lal, S/o Sukhai
7. Mahadev, S/o Bhoka
8. Rajinder Prasad, S/o Gajadhar
9. Ram Lakhan, S/o Bheger Dass
10. Tirath, S/o Beni
11. Dwarka Prasad, S/o Choota Lal
12. Pramesh, S/o Mushabi Prasad
13. Ram Lakhan, S/o Ram Deen
14. Dhukhi, S/o Bhoondu
15. Ram Kripal, S/o Ramudeen
16. Ram Dhiraj, S/o Chinke
17. Moti Lal, S/o Mahesh Prasad
18. Ram Chander, S/o Muneshwar
19. Tilak Ram, S/o Jog Raj
20. Raj Bahadur, S/o Ganeshdeen
21. Pyarelal, S/o Nanaku
22. Parmanend, S/o Kanaya
23. Laxman, S/o Bechu
24. Hiralal, S/o Mahadev
25. Motilal, S/o Mahadev
26. Navrang, S/o Munalal
27. Ram Dulare, S/o Raghu Ram
28. Kandharv Lal, S/o Pusu
29. Nanak Chand, S/o Sohan Singh
30. Ram Kumar, S/o Palee Ram

All Gangmen working under  
Section Engineer, P.Way  
Northern Railway, Delhi

....Applicants

(By advocate Shri S. K. Sawhney)

S. K. Sawhney

## VERSUS

1. Union of India through  
General Manager  
Northern Railway  
Baroda House  
New Delhi
2. Divisional Supdtg. Engineer (C)  
Northern Railway,  
D.R.M. Office  
Chelmsford Road, New Delhi
3. Assistant Divisional Engineer  
Northern Railway  
New Delhi
4. Section Engineer (P.Way)  
Northern Railway  
New Delhi

...Respondents

(By advocate Shri D. S. Jagotra)

## O R D E R (ORAL)

Heard the learned counsel for the parties. MA for joining together is allowed.

2. On perusal of the order dated 7-7-2004, it is observed that the respondents were directed to refer to their relevant records which happened to be quite old before this matter could be heard. However, they have not been able to locate the records. Therefore, the matter is being proceeded with on the basis of material available on record.

3. Learned counsel for the applicants, at the very outset, has submitted that the case of the applicants is squarely covered under the decisions of this Tribunal as given in OA 276/2003, MA 288/2003 decided on 5-2-2003 (Annexure A-2). Reference has also been made to the decisions of the Tribunal in OA

*S. M.*

222/2002 as decided on 23-8-2002 in which the respondents were directed to verify the respective dates of engagement and dates of permanent/temporary status of the applicants and to make whatever payments were due to the applicants. Further, reference has made to the decisions given in OA 2610/2002, MA 2233/2002 as decided on 11-10-2002 in which directions were given to the respondents to consider the claim of the applicants for payment of arrears in the light of the decisions of the Hon'ble High Court as well as the decision of the Tribunal within one month.

4. The learned counsel for the applicants has referred to the different amounts payable to the applicants as calculated by the respondents vide Annexure A-6 and has submitted that it should not have taken much time on their part to have granted the request of the applicants.

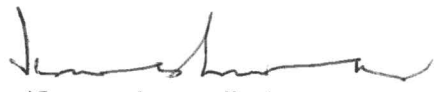
5. The applicants submitted a representation in this regard on 3-9-2003 (Annexure A-4) and which is still pending with the respondents.

6. The learned counsel for the respondents has submitted that the case of the applicants is claimed to have been covered under the decisions given by this Tribunal as referred to by the applicants in this OA and that it could be examined in the light of the said decisions.

7. Having regard to the facts/prayers as submitted by the applicants in this OA that the same are squarely covered under the decisions as submitted by the learned counsel for the applicants and as have been referred to hereinabove and also as the fact that the respondents have carried out the calculation on account of their emoluments as casual labourers and what they have received as a



temporary status employees and also that their representation in the matter is still pending with the respondents, I am of the considered view that it would be appropriate to dispose of this OA at the admission stage without awaiting reply from the respondents with an observation that this case could be considered and disposed of in the light of the decisions as given by the Tribunal in the cases as cited by the applicants. Thus, keeping in view the said decisions of the Tribunal and also the other decisions as relied upon by the learned counsel for the applicants, the respondents shall ensure that action in the matter is taken within a period of three months from the date of receipt of a copy of this order.

  
(Sarweshwar Jha)  
Member (A)

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