

# SUPREME COURT OF INDIA

Union of India

Vs.

Laxman Singh Champalal

C.A.No.5529 of 2008

(S.B. Sinha and Cyriac Joseph JJ.)

01.09.2008

## ORDER

1. Leave granted.

2. The respondents herein were said to have been regularized in the post of Gangmen, having been engaged as monthly rated casual labours. They made a representation for their reversion to the post of Khalasis. The said representation having been rejected, an original application was filed before the Central Administrative Tribunal. The Central Administrative Tribunal opined:

“Since they were engaged as Casual Labour Khalasis they can always be reverted back as Khalasis if they make necessary demands in that regard.”

3. In support of the aforementioned finding, the learned Tribunal has noticed some purported orders passed by the Railway Administration. It was directed:

“In view of the above discussion and in the facts and circumstances of the case, we direct the respondents to accept the request of the Applicants for reversion to the post of Khalasi and pass necessary orders reverting them as Khalasis in the scale of Rs. 750-940/-.

They may be considered for regularization on the post of Khalasi, if they were sufficiently senior, w.e.f. the date of their immediate junior was regularized. They also may be permitted to work as Khalasis. If anyone of them is posted as Gangmen, he may be reverted and posted as Khalasis, subject to availability of vacancies.”

4. The appellants questioned the correctness of the said order by filing a writ petition before the High Court of Judicature at Bombay. By reason of the impugned judgment the said writ application has been dismissed, stating:

“By this petition, the petitioners have challenged the order passed by the Central Administrative Tribunal by which the petitioners are directed to consider for regularization of the applicants before the Tribunal and they be permitted to work subject to availability of vacancy. If, for any reason, it is not possible, the Union of India can say so if and when such claim is made. At present, in our opinion, no case for interference is made out.”

5 The impugned judgment is not a reasoned one. We have noticed hereinbefore that a direction has been issued by the Tribunal upon the appellants to treat the concerned respondents as Khalasis, and if any regularization is made they may be considered for regularization on the post of Khalasis. Such directions are binding upon the appellants.

6. In that view of the matter, the High Court was required to consider the merit of the contentions raised before it by the appellants.

7. As no reason has been assigned by the High Court in support of its judgment, the same cannot be sustained. It is set aside accordingly. The matter is remitted to the High Court for consideration thereof afresh on merit. The appeal is allowed.