

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

This the 11TH DAY OF SEPTEMBER 1997

Original Application No. 978 of 1996

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

1. Munni Lal, S/o Gajar
R/o Village Agyan, P.O. Pipraich
District Goprakhpur
2. Ram Pratap S/o Rupai Pathak
R/o village Bishanpura
3. P.O. Jagadishpur Charmdani
District Padrauna
3. Mithai S/o Chandrabali,
R/o village Mohanpur, P.O. pari Bazar
District Gorakhpur
4. Anare, S/o Dwarika, R/o village Haidarganj
P.O. Haidarganj, District Gorakhpur.
5. Om Prakash Shukla, S/o Ram Ji Shukla
R/o village Agechiutaha, Maniram
District Gorakhpur.
6. Phulraj, s/o Dukhi R/o village
Bichhia P.O. Maniram, Gorakhpur
7. Jagdish S/o Lalanhari, R/o village
Gopalpur, P.O. Sadar Gorakhpur
8. Pyare S/o Prabhu, R/o village Lalganj
P.O. Kuraghat, Gorakhpur.
9. Bhakol s/o Badri
R/o village Koraia, P.O. Kuraghat, Gorakhpur
10. Ram nath, S/o Badri R/o village Bichhia
Gorakhpur.
11. Ram Bahal, s/o Suryabali, R/o village
Bharpurwa, Gorakhpur.
12. Tilakdhari, s/o Sita Ram,
R/o village Mohanpur Jungle Nakim No.2
P.O. Padri, Gorakhpur.
13. Munni Lal s/o Dhudhai, R/o village
Hareshwarpur, P.O. Padri Bazar, Gorakhpur.
14. Ramagya S/o Karbhan, R/o village
Mirganj, P.O. Jhungia Bazarm, Gorakhpur
15. Ram Surat, s/o Ghurey, R/o village
Jungle Hakim No.2, P.O. Padri Bazar
Gorakhpur.
16. Raja Ram, s/o Ghurey, R/o village
Jungle Hakim No. 2, P.O. Padri Bazar
Gorakhpur.
17. Ramdaras, S/o Sohan, r/o village Lalganj
P.O. Kuraghat Gorakhpur.

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18. Dukharam.s/o Chhabi Lal, r/o village
Mohanpur Jungle Hakim No.2
P.O. Padri Bazar, Gorakhpur.
19. Banoo, s/o Ram Gulam, r/o village
Mohanpur Jungle Hakim No.2 Gorakhpur.
20. Rama Shanker S/o Basdeo, r/o village Sidhua
P.O. Sidhua District Deoria
21. Ram Awadh s/o Ram lal, r/o village
Mohanpur Gorakhpur.
22. Sudama, s/o Jiwana, r/o village Garulpar
P.O. Sadar, District Deoria
23. Chhaboo, s/o Molayee, R/o village Mohanpur
District Gorakhpur.
24. Ram Niwas, s/o Shripat, r/o village Mohanpur
District Gorakhpur
25. Sampat, s/o Banhoo r/o village Kakarahi
Gorakhpur.
26. Ram Surat s/o Sunder, r/o village Chun-Chunkot
District Gorakhpur.
27. Ram Deo s/o Achchava, r/o village Kalkarahi
District Gorakhpur.
28. Gulab, s/o Bharosa, r/o village Saharpurwa
District Gorakhpur.
29. Ram Siurat, s/o Ramji, r/o village Lalganj
District Gorakhpur.
30. Moti s/o Nirmal, r/o village Koraiya
District Gorakhpur.
31. Nand Lal, s/o Cholai, r/o village Koraia
District Gorakhpur.
32. Janki, s/o Bhagwati, r/o village Jammunkia
District Gorakhpur.
33. Murali, s/o Dwarika, r/o village Koraia
district Gorakhpur.
34. Munib, s/o Sukhdeo r/o village Bichhia
District Gorakhpur.
35. Ramji s/o Kallu, r/o village Lalganj
District Gorakhpur.
36. Srikanth s/o Rama Subhag, Gorakhpur
37. Ram Pyare, s/o Lalta , r/o village Mohanpur
district Gorakhpur.
38. Ramesh Chand, s/o Ram Lagan, r/o village
Jungle Durai Gorakhpur.
39. Ram Brichha, s/o Lekhraj, r/o village Mohanpur
District Maharajganj
40. Barhoo, s/o Fekhu, r/o village Jungle Tulsi
District Gorakhpur.
41. Prayag s/o Ramjit R/o village Mohanpur
Gorakhpur.

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42. Mishri, s/o Gaya, r/o village Kharohwa Gorakhpur.
43. Maneshwar Prasad, S/o Sajan, r/o village Rithia, Gorakhpur.
44. Ram Sughar, s/o Dalsingar, r/o village Mohanpur Gorakhpur
45. Harish Chandra, r/o village Semara, Gorakhpur.
46. Basant s/o Bhaujdar, r/o village jungle Chhatradhari, Gorakhpur.
47. Pardeshi, s/o Garib, r/o village Mohanpur Gorakhpur.
48. Surendra Ram, r/o village Bangawan, Gorakhpur.
49. Chunni Lal, s/o Molai, r/o village Jungle Dummari, Gorakhpur.
50. Smt. Prabhawati, w/o Gabhoo, r/o village Jungle Hakim No.2, Gorakhpur,.
51. Smt. Sukhiya, w/o Ram Pyare, r/o village Bhanpurwa, Gorakhpur.

.. Applicants

(By Advocate Sri H.B.P. Singh)

Versus

1. Union of India through
The General manager, H.Q. North Eastern
Railway, Gorakhpur.
2. The Deputy Chief Engineer
North Eastern Railway, Gorakhpur.
3. The Chief Personnel Officer
North Eastern Railway, Gorakhpur

.. Respondents

(By Advocate Shri Amit Sthalekar)

O R D E R (Oral)

JUSTICE B.C.SAKSENA,V.C.

We have heard the learned counsels for the parties. The present applicants alongwith a few others had filed OA 73/92 Baij Nath and Ors. Vs. Union of India and Ors. The said OA was decided by an order passed on 15.10.92. in the operative part of the said order the respondents were directed to open a live casual labour register in conformity with the Railway Board's letter dated 4.3.87 within a period of three months and all 900 applications which have been received may be

scrutinised and their names may be entered in accordance with their seniority. It was also made clear that the case of these persons be considered for reappointment or absorption after screening is done in accordance with law and they shall not be passed over in preference by the new comers and others who have no preferential right over the applicants. It was further provided that the Live casual labour register which was to be opened will continued to be maintained by the respondents.

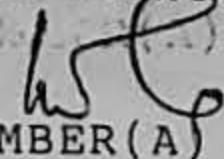
2. The applicants have indicated in their present OA that the applicants names have been included in the live casual labour register which was opened in the year 1992 in compliance with the directions of the Tribunal referred to hereinabove. The applicants through this OA have sought a writ or direction in the nature of mandamus directing the respondents to implement the Live casual labour register under respondent no. 2 & 3 opened in compliance of the Tribunalis order dated 15.10.92. We had put it to the learned counsel for the applicant to indicate how the said live casual labour register has to be implemented according top his perception. Are the applicants under the impression that the implementation of the live casual labour register would be that once their names have been registered in the register the learned counsel for the applicant submitted that since the live casual labour register opened more than five years back it is unimaginable that no vacancies have arisen in the Railways which is such a vast organisation.

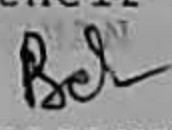
3. In the counter affidavit in para 16 the respondents have indicated that 9 vacancies have arisen in the unit concerned and were also indicated that persons who had earlier filed OAs have to be screened for the purposes of absorption. These OAs had been indicated. The applicants in those six OAs numbering about 300 if there are only nine vacancies which were arisen for absorption of these 300 applicants of six OAs has to be done in accordance with a seniority

position in the live casual labour register which would ofcourse be on the basis of the number of their working days. In the circumstances, we do not find any case made out for issuance of a mandamus.

4. The learned counsel for the applicant drew out attention to Annexure A6 which is a letter dated 25.1.94. Through this letter the applicants were required to furnish certain particulars and biodata of themselves. This letter only indicates that the authority for purposes ofr verifying the assignment of place in the live casual labour register to ascertain the correct position with regard to each of the applicants.

5. The respondents in para 14 of their counter have also indicated the same as the purpose of the said letter. The learned counsel for the applicant wanted time to file copy of a Railway Board's letter issued in the year 1996 indicating that 56,000 casual labours have to be considered for screening and absorption. We do not consider it appropriate to afford the applicant any opportunity to file supplementary affidavit and to prolong the OA. The OA is dismissed accordingly. We, however, provide that if the provisions in the Railway Board's letter vests any legal right in the applicant, nothing in our order will debar their right.


MEMBER(A)


VICE CHAIRMAN

Dated: September 11th, 1997

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