

3

DePue

Vs.

38

(By Hon. G. S. Sharma, JM)

Twentynine applicants have filed this petition under Section 19 of the Administrative Tribunals Act XIII of 1985 for a direction to Divisional Railway Manager N.E.Railway Izatnagar to allow them to work as casual labour and for a further direction to the respondents not to interfere with the direction issued by the Hon'ble Supreme Court and the Railway Board regarding casual labourers.

2. It is alleged that most of the applicants were selected for appointment as casual labourer in 1982-83 and worked as Seasonal Waterman. Some of them were also selected to work as such in 1984-85 and few of them in 1986. In the list of Seasonal Watermen declared by respondent no.2 for the year 1986-87 when the applicants did not find their names, they filed this petition with the allegation that they have a right to get such appointment under the direction of the Hon'ble Supreme Court as well as Railway Board and the principle of equal opportunity for livelihood and they, therefore, wanted a direction for their appointment as

indicated above. After hearing the learned counsel for the applicant, at the admission stage, a notice was issued to the respondents to show cause against the petition. The respondents did not care to put in appearance or file any reply. We, therefore, heard learned counsel for the applicant again to know their case.

3. The applicants have filed certain letters of the Railway Board as annexure 3. They go to show that in accordance with the direction of the Hon'ble Supreme Court in Civil Misc. Writ Petition No. 3322 of 1986, the Railway Board have decided that such Project Casual labourers who had worked before 1.1.1981 and were discharged due to completion of work or for want of further work were to be considered for giving employment in the further schemes of the Ministry of Railways. In our opinion, these letters do not apply to the applicants' case as neither they were ever employed in any project nor were they working as casual labourer before 1.1.1981 on their own showing. According to their own allegations, the applicants had simply worked as seasonal Watermen in their capacity as casual labourers. Their employment had to cease every year on 31st Aug. They have not furnished the details of their employment and we are of the view that they did not acquire the temporary status by doing seasonal work for a limited period. The letters of the Railway Board and the direction of the Hon. Supreme Court are also not applicable to them and as such, the applicants have no case on merits

~~13~~ 5

.3.

and their petition has to be rejected even though
the respondents have no cared to oppose it.

4. The petition is accordingly dismissed
at admission stage.

MEMBER (A)

Shm
7.8.87

MEMBER (J)

7/8/87

Dated 7th Aug.1987.

k kb