

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

3

Original Application No.321 of 1987.

Date of decision .. March 29, 1988.

1. Laxmidhar Patra, son of Rajakishore Patra,
Village- Taraboi, P.O. Jatni
2. Hadu Sethi, s/o- Manguli Sethi
village- Chaudanpur, P.O. Golabai, P.S. Tangi.
3. Batakrishna Harichandan s/o- Pankaj Harichandan,
Village- & P.O- Chhatipur.
4. Parikhita Pradhan s/o- Krushna Pradhan,
Village-Chandramapatipur, P.O. Golabai.
5. Dhusasan Ranjit s/o- Bira Ranjit
Village- Brajamohanpur, P.O. Khurda .
6. Kailash Patra , s/o- Pitabash Patra
Village- Taraboi, P.O. Jatni.
7. Raghu Swain, s/o- Natha Swain,
Village- Ahuajodi, P.O.Chhatipur.
8. Krushna Chandra Gouda, s/o-Gola Gouda,
Vill- Singharama, P.O. Patiamala.
9. Kumara Parida, s/o- Panchu Parida,
Village & P.O- Pariorada.
10. Dolia Pradhan , s/o- Bisuni Pradhan,
Gunthuni.
11. Laxmidhar Samantsinghar, s/o-Bamdeva Samantsinghar.
At/P.O- Chhatipur.
12. Padan Chhual Singh, s/o- Gopi Chhual Singh.
13. Suresh Paramguru s/o- Naran Paramaguru.
14. Jagera Jena s/o- Chema Jena.
Nos.12 to 14 are of village- Dhuliamuhan,
P.O. Brajamohanpur.
15. Nalu Parida s/o- Panu Parida,
Benta, P.O.Khanura gada .
16. Bauria Arisal, s/o-Biswnath ArisalDhaulimohan
P.O.Brajamohanpur.
17. Purna Barik, s/o- Uchhab Barik,
Nuapatna, P.O. Sasanharipur.
18. Lakhia Chhual Singh s/o- Banka Chhual Singh
Dhalimohan , P.O.Brajamohanpur.

19. Narayan Martha, s/o- Banambar Martha.
Sundarpur.
20. Raja Chhual Singh s/o- Nata Chhual Singh.
Dhalumuhan, P.O. Brajamohanpur.
21. Sankar Nayak s/o- Sanatan Nayak,
Gopinathpur, P.O. Balugaon.
22. Yudhistira Behera s/o- Madhab Behera.
Saralsingh, P.O. Barediharikunda.
23. Hadu Behera s/o- Gouranga Behera,
Chhakadipur, P.O. Biribari.

... Applicants.

1. Union of India, represented through the
General Manager, South Eastern Railway, Garden Reach,
Calcutta- 43.
2. Divisional Personnel Officer, South Eastern Railway,
Khurda Road.
3. Asst. Engineer, South Eastern Railway, Khurda Road.
4. P.W. Inspector, South Eastern Railway, Baranga.

... Respondents.

M/s Ganeswar Rath & P.K.
Mohapatra, Advocates

...

For Petitioners.

Mr. B. Pal, Sr. Standing Counsel
(Railways)

...

For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether Reporters of local papers have been
permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? ☒
3. Whether Their Lordships wish to see the fair copy of the
judgment ? Yes.

J U D G M E N T

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, 23 petitioners seek to challenge the termination orders passed under Annexure- 2 series and pray for quashing the same.

2. Shortly stated, the grievance of the petitioners is that the petitioners had been appointed as casual labourers in the South Eastern Railways on C.P.C. scale, vide order dated 24.6.1987 contained in Annexure-2 and their services having been terminated with effect from 21.10.1987, the petitioners feeling aggrieved have come up before this Bench with a prayer to quash the order of termination and with ~~three~~^{two} more prayers mentioned below. They are as follows :-

- (1) To quash the order of retrenchment as per Annexure-2.
- (2) the termination of the applicants after completion of about 1000 days of work violated Articles 14 and 16 of the Constitution.
- (3) To direct the Railway authority to pay the applicants the salary to Class 4th employees as per the provisional of equal pay Class 4th employees as per the provision.

3. In their counter, the Opposite Parties maintained that the petitioners had not completed 1000 days of work and therefore question of absorbing them on regular basis

does not arise. It is further more maintained by the Opposite Parties that the retrenchment having been effected because the petitioners were employed as seasonal workers for a particular period and in the appointment order, vide Annexure- 2 it has been specifically stated that the services of the petitioners would come to an end on 21.10.1987 and therefore having accepted this offer, automatically the services of the petitioners had come to an end on 21.10.1987. Hence the relief claimed by the petitioners should not be allowed.

4. We have heard Mr. Ganeswar Rath, learned counsel for the petitioners and Mr. B. Pal, learned Sr. Standing Counsel for the Railway Administration at some length. Before we deal with the prayer Nos. 1 and 2 quoted above, for sake of convenience we would like to first dispose of prayer No.3. On a reading of prayer No.3 it cannot be understood from the language employed in the said portion of the prayer as to what actually the petitioners mean to say and claim relief thereupon. In such circumstances, we hold that not only the prayer is vague but not understandable and therefore, we cannot but be slow to allow that part of the prayer.

5. Now we propose to deal with prayer No.2.

There was no dispute presented before us that if a particular casual labourer has completed 120 days of continuous work, he is entitled to temporary status and therefore we are required to find out whether the petitioners had rendered service to Railways for 1000 days. A chart was filed by the learned Sr. Standing Counsel to indicate the period of work

rendered by each of the petitioners which was not only perused by this Bench but by the learned counsel for the petitioners and nothing could be pointed out by the learned counsel for the petitioners ^{to convince us} that such a chart should not be accepted as correct. A memo has also been filed by the learned counsel for the petitioners that such a chart was filed by the learned Sr. Standing Counsel. On a perusal of the said chart, we are of opinion that the allegation of the petitioners that they have worked for 1000 days cannot be accepted and therefore on this account, no relief can be granted to the petitioners. However, we would direct the departmental authorities to compute the period of service rendered by each of the petitioners and if they had completed 120 days temporary status should be given to each of them and the seniority list should be prepared and as and when vacancy occurs cases of each of the petitioners, according to the seniority, should be considered for giving regular appointments.

6. As regards the next prayer to quash Annexure-2 series, we find therefrom that the petitioners had been appointed as seasonal workers/ casual labourers on C.P.C. scale rate of pay upto 20.10.1987 and therein it was mentioned that services of the petitioners ^{would} stand terminated with effect from 21.10.1987. This offer ^{was} was accepted by the petitioners and after accepting the offer for a limited period of work ^{to be} rendered by each of them it is no longer open to the petitioners to say that there has been an illegal termination of services of the petitioners. Hence we do not find any justifiable reason to quash Annexure- 2 series and therefore, the prayer of the petitioners on this account stands rejected.

Q 8

Lastly it was contended by Mr. Ganeswar Rath, learned counsel for the petitioners that the petitioners should be awarded compensation under section 25 F of the Industrial Disputes Act. There being no prayer to the above effect, we are not prepared to accept the contention of Mr. Rath and the same stands rejected.

7. In view of the aforesaid discussion, we hold that there is no merit in the application which stands dismissed subject to the observations made by us regarding ^{preparation} operation of seniority list. Parties to bear their own costs in the circumstances of the case.

kg
29.3.88
.....
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

g agree.

hmm
29.3.88
.....
Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench.
March 29, 1988/Roy, SPA.