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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 330 of 1988.

Date of decision : April 11, 1989.

1. Ulash Chandra Pallatasingh, aged about 38 years, s/o Sikhar Pallatasingh, Vill. Khudupur, P.O. Bhimpur, Via/P.S. Jatni, Dist. Puri.
2. Gandharb Chhotray, s/o Padma Charan Chhotray, aged about 38 years, vill. Makul, P.O. Angurapoda, Via-Janla, P.S. Chandaka, Dist. Puri.
3. Arkhit Senapati, s/o Padmacharan Senapati, aged about 37 years, Vill. Jaripat, P.O. Gudum, Via/P.S. Khurda, Dist. Puri.
4. Madhab Behera, s/o Tareni Behera, aged about 38 years, Loco Line A 149, At/P.O. Khurda Road, P.S. Jatni, Dist. Puri.
5. Braja Kishore Prusty, s/o Sudersan Prusty, aged about 39 years, At/P.O. Khelavar, P.S. Pipili, Dist. Puri.
6. Gajendra Sethy, s/o Rathunath Sethy, aged about 38 years, vill. Padanpur, P.O. Bhimpur, Via/P.S. Jatni, Dist. Puri.
7. Charan Behera, s/o Khali Behera, aged about 38 years, vill. Beria Sahi, P.O. Badakul, P.S. Banpur, Dist. Puri.
8. Duryodhan Das, son of Lachaman Das, aged about 39 years, vill. Khudapur, P.S. Bhimpur, Via/P.S. Jatni, Dist. Puri.
9. Avimanyu Mangaraj, son of Muralidhar Mangaraj, aged about 36 years, vill. Bengi Tangi, P.O. Gudum, P.S. Khurda, Dist. Puri.
10. Bhim Baliyar Singh, son Kaibalya Baliyar Singh, aged about 39 years, vill. Khudupur, P.O. Bhimpur, Via/P.S. Jatni, Dist. Puri.
11. Kedar Pradhan, son of Lokanath Pradhan, aged about 38 years, vill. Boria Sahi, P.O. Badakul, P.S. Banpur, Dist. Puri.
12. Bairagi Sahoo, son of Raghu Sahoo, aged about 39 years, vill. Bada Ichhapur (Bechhara), P.O. /P.S. Jatni, Dist. Puri.

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13. Dusasan Rao, son of Damodar Rao, aged about 38 years, Vill/P.O.Khelver, Via.Beraboi, P.S. Pipil, Dist.Puri.

14. Chaitanya Sethy, son of Jagannath Sethy, aged about 38 years, vill/P.O.Khelver, Via.Beraboi, P.S.Pipil, Dist.Puri.

15. Kanhu Charan Bayak, son of Udayanath Nayak aged about 38 years, vill.Radhua, P.O.Kalyanpur,P.S. Delanga, Dist.Puri.

16. Arakhita Samantsingher, son of Banchanidhi Samantsingar, aged about 38 years, vill Kalikabodi, P.O./P.S.Brahmagiri, Dist.Puri.

17. Ganesh Sethy, son of BauribandhuSethy, aged about 40 years, vill.Belapadar P.O.Badatota, Dist.Puri.

18. Jambu Bhoi, son of Kanduri Bhoi,aged about 37 years, vill. Radhua,P.O.Kalyanipur, P.S.Delanga,Dist.Puri.

19. Handibandhu Behera, son of Bauribandhu Behera, aged about 38 years, At/P.O.Bairi, P.S.Badachana, Dist.Cuttack.

20. Govind Chandra Baral, son of Brundaban Baral, aged about 38 years, At/P.O.Bairi,P.S.Barchana, Dist.Cuttack.

21. Chakradhar Prusty, son ofChema Prusty, aged about 40 years, At/P.O.Bairi,P.S.Badachana,Dist.Cuttack.

22. Ulasha Chandra Sahoo, son of Jagannath Sahoo, aged about 36 years, Vill.Aarisal, P.O.Dandichatabar, P.S.Jatni,Dist.Puri.

23. Sudersan Pradhan, son of Rupusottam Pradhan, agedt about 35 years, At/P.O.Singharampur. P.S.Delanga, Dist.Puri.

24. Damodar Pradhan, son of Kumar Pradhan, aged about 38 years, Vill.Aarisal, P.O.Dandichatabar, P.S.Jatni, Dist.Puri.

25. Jayakrishna Pradhan, son of Sudersan Pradhan, aged about 34 years, Vill.Makul, P.O.Angarpada, P.S. Chandaka, Dist.Puri.

26. Brajaraj Jena, son of Panu Jena, aged about 38 years, vill.Radhua, P.O.Kalyanpur, P.S.Delanga,Dist.Puri.

27. K.Jagga Rao, son of K.Appana, aged about 38 years, B.S.I.(O)Khurda Road,At/P.O.Khurda Road,P.S.Jatni, Dist.Puri.

... Applicants.

1. Union of India, represented by General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Personnel Officer, South Eastern Railway, Khurda Road, Division, Khurda Road.
3. D.S.T.E., South Eastern Railway, Khurda Road Division, Khurda Road.

... Respondents.

For the applicants ... M/s. Ganeswar Rath,
Pramod Kumar Mohapatra,
Advocates.

For the respondents ... Mr. L. Mohapatra,
Standing Counsel (Railways)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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)

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, the applicants (Twentyseven in number) pray that the order dated 23.9.1988 as per Annexure-4 be quashed and the applications submitted by the applicants in response to the notice dated 24.11.1987 as

per Annexure-1 be considered and appointment be given to them after giving them temporary status.

2. Shortly stated, the case of the applicants is that they were working as casual labourers under the District Signal Telecom Engineer(Development), South Eastern Railway Khurda Road. The services of the applicants have since been retrenched because the project reached its completion. According to the applicants they are project labourers and they have completed 360 days of work prior to 1.1.1981. Therefore, the case sought to be made out by the applicants is that they are entitled to temporary status and so also to be absorbed against regular vacancies as and when such vacancies arise. Hence this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicants have not completed 5 years of continuous service as many of the applicants have done work as casual labourers intermittently without rendering continuous service and therefore they are not entitled to the relief claimed and hence it is maintained by the respondents that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Ganeswar Rath, learned counsel for the applicants and Mr. L. Mohapatra, learned Standing counsel appearing for the Railway Administration at some length. Mr. Ganeswar Rath relied upon a chart furnished on behalf of the applicants contained in Annexure-6 which is said to be the seniority list of certain casual labourers
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of District Signal Telecom Engineer (Development) South Eastern Railway, Khurda Road as on 1.3.1984 and copy of Annexure-6 has been served on Mr. L. Mohapatra, learned Standing Counsel appearing for the Railway Administration. Along with Annexure-6 there is Annexure-8. Reliance was placed by Mr. Ganeswar Rath on Annexure-8 namely the seniority list as on 1.11.1980. Copies of these annexures have also been served on Mr. L. Mohapatra, learned Standing Counsel for the Railway Administration. Mr. Rath strongly relied upon the case of Inder Pal Yadav decided by the Hon'ble Supreme Court reported in 1985 (2) SCC 648 and Mr. Rath also relied upon a circular issued by the Railway Board vide its letter No. E (NG) / II / 84 / CL / 4 dated 11.9.1986 and so also the letter No. PD/E/579/A/1448 dated 30.9.1986 which has been issued in pursuance to the observations of Their Lordships of the Supreme Court in the case of Inder Pal Yadav and others, relating to terms of employment of project workers and the scheme to be prepared accordingly. In their letter the Railway Board have stated as follows:

" Casual labourer on project, who though not on service on 1.1.1981 had been in service on Railways earlier and already completed above prescribed period (360) days of continuous employment or have since completed or will complete the said prescribed period of continuous employment or reengagement after 1.1.1981. "

While stating so, the Railway Board has directed that according to the provision those workers who have completed 360 days will be treated as temporary. Keeping in view the aforesaid directions of the Railway Board and the observations of Their Lordships in the case of Inder Pal Yadav

for

(supra) we would direct that a fresh look be given to the matter taking into consideration the matters contained in Annexures 6 & 8 and furthermore those who have completed 360 days of continuous service should be given temporary status and seniority list be prepared of all the casual labourers who have worked under District Signal Telecom Engineer (Development), S.E.Railway, Khurda Road and as and when vacancy arises, appointment should be made in favour of the candidates according to the seniority list. We are told that as on there are 27 vacancies at the disposal of District Signal Telecom Engineer (Development), S.E.Railway, Khurda Road. If that be so, then steps should also be taken to issue appointment letters to those incumbents according to their seniority and after giving them temporary status provided that such incumbents are found suitable. If sufficient number of candidates are not available to fill up the posts, it would remain to the concerned authorities to invite applications from the other departments.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

B.R.PATEL, VICE-CHAIRMAN,

I agree -

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 11, 1989/Sarangi.



Received 11/4/89.
Member (Judicial)

11.4.89.
Vice-Chairman