

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 408 of 1989

Date of decisions: March, 22, 1991.

Kirtan Mallik and others

Applicants

Versus

Union of India and others

Respondents.

For the applicant : Mr. Ganeswar Rath, Advocate.

For the Respondents : Mr. B. Pal, Senior Standing Counsel
(Railway Administration).

C O R A M S:

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

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be permitted 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.

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JUDGMENT

- Forty nine -

N. SENGUPTA, MEMBER (JUDICIAL) : (49) persons have filed a joint application seeking the reliefs of quashing the order of retrenchment and a further direction to the respondents to regularise their services in their respective posts or Jobs and to give them all incident/benefits. The applicants have averred that they were appointed as Casual workers under the South Eastern Railway in the Open Line and as they ~~have~~ worked for more than 120 days, they acquired temporary status. The applicants and some others filed four Original Applications in the year 1987 when orders for terminating their services were passed. In those original applications, this Tribunal directed the Railway Administration to prepare a seniority list of the Casual labourers division-wise and to absorb them on regular basis. That direction was not followed by the respondents and again they appointed on 30.6.88 the applicants as Casual labourers and again their services were terminated with effect from 20.10.1988. Challenging this termination, Original Application No. 338 of 1988 was filed in which ^{an} ~~interim~~ order staying the operation

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of termination of services was passed. The respondents again appointed the applicants on casual basis stating that their services would be terminated with effect from 23.10.1989. This order of threatened termination with effect from 23.10.1989 is the subject matter of the present application.

2. The Railway Administration in their counter affidavit have maintained that this Tribunal while deciding the earlier applications filed by the applicants observed that the applicants of this case and those in the other applications were only seasonal workers and could not claim continuous service. Casual laboures as defined in the Indian Railway Establishment ^{Code} quote are not Railway servants, therefore, they cannot claim either temporary status or regularisation against regular posts. They have further averred that a seniority list of all casual labourers has already been drawn up and absorption is being made according to the availability of posts.

Mr. Ganeswar
3. We have heard. Mr. Ganeswar Rath the learned Counsel for the applicants and Mr. B.Pal the learned Senior Standing Counsel (Railway Administration) for the Respondents. From the averment in the counter affidavit, it would be manifest that already the Railway Administration had taken steps to absorb such of the casual workers

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who come in order of seniority according to the availability of vacancies. Since the respondents ~~has~~ complying with the order passed in the earlier applications, which were for the self same relief, it is unnecessary to give a fresh direction for the ~~same~~ relief.

4. The application is accordingly disposed of. No costs.

Bomilal 22.3.91
VICE CHAIRMAN

Mani Surya 2/3/71.
MEMBER (JUDICIAL)



Central Administrative Tribunal,
Cuttack Bench, Cuttack. K. Mohanty.