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V
CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.183 OF 1994
Cuttack, this the 27th day of June, 1997

Santosh Kumar Giri & six others Applicants

-versus-

Union of India and others Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not? Yes
- 2) Whether it be circulated to all the Benches of the NO Central Administrative Tribunal or not?

Somnath Sam.
(SOMNATH SAM)
VICE-CHAIRMAN
27.6.97

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

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CORAM:

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

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1. Santosh Kumar Giri, aged about 27 years,
son of Nilambar Giri, At/PO-Righa,
Via-Rurugan, Dist.Mayurbhanj,Orissa.
2. Muralidhar Mandal, aged about 24 years,
son of Prahallad Mandal, At-Purunabasi,
P.O/PS-Chakradharpur, Dist. Singhbhum (Bihar).
3. Kasinath Pradhan, aged about 28 years,
son of Agastimani Pradhan, At-Kolichakada,
P.O/PS-Chakradharpur, Dist. Singhbhum (Bihar).
4. Gopal Sona, aged about 23 years,
son of Bedasi Sona, At-Guard Barrak,
Q.No.Js-AB/3,P.O/PS-Chakradharpur,
Dist.Singhbhum (Bihar).
5. Nandalal Mahato, aged about 21 years,
S/o Ram Prasad Mahato, At-Dudhkundi,P.O-Chainpur,
PS/Via-Chakradharpur,Dist.Singhbhum, Bihar.
6. Mangal Das, aged about 21 years,
son of Pratham Das, At-Bharat Bhawan,
P.O/PS-Chakradharpur,Dist.Singh Bhum (Bihar).
7. Udayanath Naik, aged about 22 years,
S/o J.Naik,At/PO-Chamakpur,Via-Champua,
Dist. Keonjhar,Orissa

..... Applicants

-versus-

1. Union of India, represented through its Secretary,
Railway, Railway Bhawan, New Delhi.
2. Assistant Engineer (Rourkela), South Eastern Railway,
Rourkela,At/PO-Rourkela,Dist.Sundargarh.
3. Assistant Engineer, South Eastern Railway,
Jharsuguda, At/PO-Jharsuguda,Dist.Sundargarh.

Jomnji Jm
27.6.97

4. Senior Divisional Engineer, Chakradharpur (DEN-4),
At/PO-Chakradharpur, Dist.Singhbhum, Bihar (SER).
5. Senior D.E.N. Coordination, Chakradharpur,
At/PO-Chakradharpur, Dist.Singhbhum, Bihar (SER)
6. Divisional Railway Manager, Chakradharpur,
At/PO-Chakradharpur, Dist.Singhbhum, Bihar (SER).
7. Asst. Personnel Officer, Chakradharpur (SER),
At/PO-Chakradharpur, Dist.Singhbhum, Bihar.
8. Senior Divisional Personnel Officer, Chakradharpur (SER),
At/PO-Chakradharpur, Dist.Singhbhum, Bihar.

.....Respondents.

Advocates for applicants - M/s D.Nayak,
P.K.Mishra,
D.P.Pradhan,
D.P.Patnaik,
M.Mohanty,
R.C.Swain &
S.Swain.

Advocate for respondents - Mr.Ashok Mohanty.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of the

Administrative Tribunals Act, 1985, the seven applicants have
prayed for a direction to the respondents to give appointment
to the applicants as Casual Gangmen. The facts of this case fall
within a small compass and can be briefly stated.

*Somnath Som
27.6.97*

2. According to the applicants, pursuant to a
notice of Senior Divisional Personnel Officer, S.E.Railway,
Chakradharpur, they applied for the posts of Casual Gangman
and after screening and interview they were selected vide orders
dated 29.9.1992 and 23.10.1992 at Annexures 1 and 2. Applicant

nos.1, 2 and 4 were directed to join under Assistant Engineer, S.E.Railway, Jharsuguda and applicant nos.3,5,6 and 7 were directed to join under Assistant Engineer, S.E.Railway, Rourkela. Each of them was given separate engagement letter and the applicants have filed one engagement letter which was issued on 12.8.1992 to applicant no.1. It further appears from Annexure-5 to the application that applicant nos. 1 and 4 reported before Assistant Engineer, S.E.Railway, Jharsuguda, for joining, but they were unable to join because objections were raised by Men's Congress Union, S.E.Railway. It has been stated by them that the other five candidates, who are other five applicants here, have joined the respective Divisions. In view of this, they have come up with the prayer for a direction to the respondents to permit them to join their assignments for which they have been duly selected.

3. The respondents in their counter have pointed out that vide Annexure-4 to the application, the Assistant Engineer, S.E.Railway, Jharsuguda, was intimated that applicant nos. 1 and 4 had been asked to join under him. But when the said applicants went for joining, some of the office bearers of Men's Congress Union, S.E.Railway, objected and the Assistant Engineer did not allow them to join. It has been further submitted in the counter that the two applicants did not produce all the relevant letters before respondent no.5 who is Senior D.E.N., Coordination and as such further remedial action could not be taken. The respondents have submitted in paragraph 4 of the counter that in the meantime necessary orders have been issued by the Senior Divisional Personnel Officer, Chakradharpur

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appointing the applicants as Casual Gangmen.

4. In view of the above submission in the counter, it is ordered that in case the applicants or some of them, particularly applicant nos. 1 and 4 have not been allowed to join by now, they should be permitted to join the posts for which they have been selected within a period of 15 (fifteen) days from the date of receipt of copy of this order.

5. In the result, the application is allowed but, under the circumstances, without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN 27.6.97

AN/PS