

15

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

O.A.Nos.439, 481,609, 616,670, 772, 793, 801, 811, 862, 863,
864, 912, 924 and 932 of 1996.

25th January, 1999

In OA 439/96

CORAM: HON'BLE SHRI SOMNATH SOM,
AND VICE-CHAIRMAN
HON'BLE SHRI S.K.AGRAWAL,
MEMBER(JUDICIAL)

1. Sudarsana Barik
aged about 40 years
son of Pahali Barik
At-Tenteihuda,
PO-Borikhi,
PS-Kujanga,
Dist.Jagatsinghpur.
2. Ramesh Chandra Biswal,
aged about 41 years,
son of Magu Biswal,
At-Nopanga, PO-Pandua,
P.S-Tirtol,
Dist.Jagatsinghpur.
3. Nabaghan Ojha, aged about 41 years
son of Keshab Ojha,
At-Nopanga, PO-Pondua,
PS-Tirtol,
Dist.Jagatsinghpur.
4. Ajoy Kumar Nayak,
aged about 41 years
son of Upendra Nayak
At/PO-Borikhi,
P.S-Kujanga,
Dist.Jagatsinghpur.
5. Basudev Behera,
aged about 43 years,
son of Baburi Behera
At/PO-Borikhi, P.S-Kujanga,
Dist.Jagatsinghpur.
6. Madanmohan Behera,
aged about 42 years
son of Laxmidhar Behera
At-Patalipanga, PO-Patkura,
PS-Patkura,
Dist.Jagatsinghpur.
7. Ananta Charan Nayak, aged about 41 years
son of Alekha Nayak
At/PO-Borikhi,
P.S-Kujanga, Dist.Jagatsinghpur.

8. Madan Charan Behera,
aged about 42 years
At-Tentulia, PO-Borikhi,
P.S-Kujang, Dist.Jagatsinghpur.
9. Radhashyam Sahoo,
aged about 42 years,
s/o Basudev Sahoo,
at present Ghanagatiachhak,
PO/PS-Paradeep,
Dist.Jagatsinghpur.
10. Narahari Das, aged about 44 years
son of Purna Chandra Das
At-Raigan,
PO-Rahama,
P.S-Tirtol,
Dist.Jagatsinghpur.
11. Moheswar Nayak,
aged about 44 years
At-Dhusala,
PO-Pandua, PS-Tirtol,
Dist.Jagatsinghpur.
12. Narendranath Mohanty
aged about 42 years
son of Kelu Mohanty
At-Noliapala (Patna)
PO-Bharale, PS-Tirtol,
Dist.Jagatsinghpur.
13. Rama Chandra Moharana
aged about 43 years
son of Govinda Chandra Moharana
At-Balarampur,
PO/PS-Kujanga, Dist.Jagatsinghpur
14. Niranjan Swain
aged about 44 years
At-Balia,
PO/PS-Kujanga, Dist.Jagatsinghpur.
15. Babaji Das, aged about 45 years
son of Dhruba Das
At/PO-Paradeepgarh,
P.S-Paradeep, Dist.Jagatsinghpur
16. Muralidhar Mohanty
aged about 44 years
son of Shyam Sundar Mohanty
At-Baulanga, PO-Chatua,
P.S-Kujanga, Dist.Jagatsinghpur.

17. Binod Charan Sahoo
aged about 44 years
son of Kandhu Charan Sahoo
At/PO-Taladanda, P.S-Kujanga,
Dist.Jagatsinghpur.
18. Fakir Charan Pradhan
aged about 46 years
son of Panchu Pradhan
At-Sahada,
PS-Chatua, P.S-Kujanga, Dist.Jagatsinghpur.
19. Dolagobinda Pattanaik
aged about 49 years
son of Jagabandhu Patnaik
At-Phuana, PO-Panchupali,
P.S-Kujanga, Dist.Jagatsinghpur
20. Satyabadi Mohapatra,
aged about 41 years,
son of Ghanashyam Mohapatra
At-Gondakipur, PO-Gopiakud, P.S-Kujang,
Dist.Jagatsinghpur.
21. Daitary Khatua, aged about 43 years
son of Sridhar Khatua
At-Jagannathpur, PO-Tiran,
PS-Tirtol, Dist.Jagatsinghpur.
22. Chakradhar Mallick,
aged about 42 years
son of Batakrushna Mallick,
At-Bodhei
PS-Tirtol, Dist.Jagatsinghpur.
23. Kartik Chandra Swain,
aged about 48 years
son of Bhajani Swain
At/PO-Bharala,
P.S-Tirtol,
Dist.Jagatsinghpur.
24. Sarangadhar Khatua,
aged about 50 years
son of Chaitanya Khatua,
At-Jaganathpur, PO-Tiran,
P.S-Tirtol,
Dist.Jagatsinghpur.
25. Dhaneswar Swain,
aged about 46 years
son of Damodar Swain
At-Patapur, PO-Chatua,
P.S-Kujang,
Dist.Jagatsinghpur.

26. Moheswar Das,
aged about 46 years
son of Madhu Das
At-Beheda, POO-Rahama,
P.S-Tirtol, Dist.Jagatsinghpur.

27. Satrughana Nayak,
aged about 46 years
son of Bhagaban Nayak
Dist.Parikisahi,
PO-Rahama,
P.S-Tirtol,
Dist.Jagatsinghpur.

28. Panchhanan Nayak
aged about 48 years
son of Balakrushna Nayak
at Dhusula
PO-Pandua, Dist.Jagatsinghpur.

29. Hari alias Harekrushna Das
aged about 50 years
son of Paramananda Das
At/PO-Pandua, P.S-Tirtol,
Dist.Jagatsinghpur.

30. Kulamani Swain, aged about 49 years
son of Keshab Swain
At-Gobardhanpur,
PO-Chatua, Dist.Jagatsinghpur.

31. Anam Charan Parida
aged about 49 years
son of Narayan Parida
At-Parapara,
PO-Chatua,
P.S-Kujang, Dist.Jagatsinghpur.

32. Umakanta Pradhan
aged about 48 years
son of Panu Pradhan
At-Sehada, PO-Chatua,
P.S-Tirtol, Dist.Jagatsinghpur.

33. Pranakrushna Sahoo
aged about 48 years
son of Nanda Sahoo
At/PO-Nuagan, P.S-Kujanga,
Dist.Jagatsinghpur.

34. Hadibandhu Das,
aged about 44 years
son of Ratnakar Das
At-Gondakipur,
PO-Gopiakud,
Dist.Jagatsinghpur.

35. Prahallad alias Prahallad Chandra Swain
aged about 40 years
son of Ghana Swain
At-Jaladharpur, P.O-Gopiakud,
Dist.Jagatsinghpur.
36. Kapila Charan Behera
aged about 48 years
son of Dadhi Behera
At-Badapal,
PO-Pankapal, P.S.-Kujanga,
Dist.Jagatsinghpur.
37. Natabar Sethy aged about 47 years
son of Pankaj Sethy
At-Batia, P.O/PS-Kujanga, Dist.Jagatsinghpur.
38. Mandardhar Mohapatra
aged about 46 years
son of Mani Mohapatra
P.O/PS-Kujanga,
Dist.Jagatsinghpur.
39. Bijoy Kumar Biswal
aged about 44 years
son of Pari Biswal
At-Parapari, PO-Kujanga,
Dist.Jagatsinghpur.
40. Mathurananda Pal
aged about 45 years
son of Taleipala, At-Panapali, P.O/PS-Kujanga,
Dist.Jagatsinghpur.
41. Bata Gochhayat,
aged about 47 years
son of Pari Gochhayat
at-Jadatira Patna, PO-Manijanga,
PS-Tirtol, Dist.Jagatsinghpur.
42. Damodar Barika, aged about 44 years
son of Gadei Barik
At-Batipara, PO-Chatua, Kujanga, Dist.Jagatsinghpur.
43. Madhab Sethy, aged about 49 years
son of Laxman Sethy
At-Nimakana, PO-Manijanga,
PS-Tirtol, Dist.Jagatsinghpur.
44. Birabara Mallick, aged about 44 years
son of Babaji Mallik
AT/PO-Gorada, PS-Tirtol,
Dist.Jagatsinghpur.

45. Sudarsana Behera
aged about 45 years
son of Rama Chandra Behera
At-Baroisasan, PO-Lethang,
P.S-Tirtol,
Dist.Jagatsinghpur.

46. Maheswar Barik
aged about 46 years
son of Dharam Barik
At-Nagpur, PO-Kolar, Dist.Jagatsinghpur.

47. Fakir Charan Nayak
aged about 42 years
son of J.Nayak
At/PO-Pankapal,
P.S-Kujanga, Dist.Jagatsinghpur.

48. Pranakrushna Ojha,
aged about 48 years
son of Karuni Ojha
At-Jailo, PO-Rahama,
P.S-Kujanga, Dist. Jagatsinghpur.

49. Nakula Charan Mallik,
aged about 42 years
son of Murali Charan Mallik
At/PO-Poorgadei, Via-Rahama
P.S-Tirtol, Dist.Jagatsinghpur.

50. Rabindranath Kandi
aged about 43 years
son of Jairam Kandi
At-Karatutha, PO-Borikhi
P.S-Kujanga, dist. Jagatsinghpur.

51. Damodar Basantia
aged about 49 years
son of Padan Basantia
At/PO-Borikhi, Dist.Jagatsinghpur.

52. Rabindranath Pasayat
aged about 44 years
son of Gurubari Pasayat
At/PO-Borikhi,
P.S-Kujanga, Dist.Jagatsinghpur.

53. Fakir Charan Das
son of Padan Das
At-.Kothmula, P.S-Tirtol,
Dist.Jagatsinghpur.

54. Kailash Chandra Swain
aged about 40 years
son of Ghaneswar Swain
Vill-Nachhipur,
PO-Chatua,
P.S-Kujang, Dist.Jagatsinghpur.

55. Biswanath Tutu
aged about 45 years
son of Chaitan Tutu
At-Bhatiapada,
PO-Rakhagopindapur
Dist.Mayurbhanj.

Applicants.

Advocates for applicants - M/s J.K.Misra
M.R.Panda
N.Srinivas.

Vrs.

1. Union of India
represented through General Manager
South Eastern Railway
Garden Reach
Calcutta-48.
2. Divisional Railway Manager (Personnel),
Khurda Road, South Eastern Railway,
Dist.Khurda (Jatni Divn.) Respondents

Advocate for respondents - Mr.Ashok Mohanty

In OA No.481/96

S.JM

1. S.Tatayya,
s/o Venkanna
Vill.Kottapalli,
Mandasa Mandalam,
Dist.Srikakulam (A.P.).
2. D.Para Rao,
s/o Applasuri
Vill-Krishnapuram,
PO-Kasibugga,
Dist.Srikakulam (AP)
3. Loknath s/o Indro
Vill-Routrapalli
PO-Barakul
P.S-Balugaon
Dist.Khurda.
4. Kritibas s/o Gokulo
Vill-Biribari, P.S-Tangi,
Via-Kuhudi, Kaluparaghata.
5. Gharano
s/o Gangadhar
Vill-Konthepalla,

6. Sankaro s/o Dusaseno
Vill-Bouriasahi,
PO-Borakul, P.S-Balugaon, Dist.Khurda.
7. Dalaiah s/o Kustamma Vill-Krishnapuram, P.O. Kasibugga,
Dist.Srikakulam (AP)
8. Jaggaish s/o Ramaiah Vill-Ananthapuram, PO-Baruva,
Dist.Srikakulam (AP)
9. Limmayya s/o Appanna Via-Kistapuram,
PO-Kasibugga,Dist.Srikakulam.
10. Chinnodu s/o Balaram, Vill-Narayananapuram, PO-Kasibugga,
Dist.Srikakulam.
11. Appanna s/o Acchanna,Vill-Talabadra, PO-Kasibugga,
Dist.Srikakulam.
12. Jaggayya s/o Chinnodu Vill-Mamidipalli,
PO-Kasibuggal, Dist.Srikakulam.
13. Papaiash, s/o Kamaiah Vill-Mamidipalli, PO-Kasibugga,
Dist.Srikakulam.
14. Nandulu s/o Mallayya Vill-Kistupuram, PO-Kasibugga,
Dist.Srikakulam.
15. Appanna s/o Jagannaikulu, Vill-Kistupuram, PO-Kasibugga,
Dist.Srikakulam.
16. Kamayya s/o Appanna Vill-Jagadevapuram, PO-Goradakandi,
PS-Kasibugga, Dist.Srikakulam.
17. Bairagi, s/o Ramaiah, Vill-Talabadra, PO-Kasibugga,
Dist.Srikakulam.
18. Adayya S/o Vallayya Vill-Kistupuram PO & PS- Kasibugga,
Srikakulam.
19. Krishnamurty s/o Vankanna Vill-Anantapuram,
PO-Baruva, RD Sompeta, Srikakulam.
20. Jagannaikulu S/o Danayya Vill-Mandasa Kotturu, po &
PS-Baruva, Srikakulam.
21. Latchaya s/o Narayana Vill & PO-Bendi, Via-Brahmanatarala,
PS-Kasibugga, Dist.Srikakulam.
22. Nagaraju s/o Ramamurty Vill-Makarajola, PO-Kasibugga,
Dist.Srikakulam.
23. Simmanna s/o Gangaiah Vill-Marlapadu, PO-Pundi (RS),
PS-Kasibugga, Dist.Srikakulam.
24. Dandasi s/o Gundu Vill-Narayananpura,
PO-Kasibugga, PS-Kasibugga, Dist.Srikakulam.
25. Dandapani s/o Sanyasi Vill-Narasingapur,
PO-Bonabullapalli,
Dist.Ganjam.
26. Trinatho s/o Jagannatho Vill-Narasinghpur,
PO-Bonabullapalli, Dist.Ganjam.
27. Ramaswamy s/o Appaiash
Vill-Krushnapuram, PO-Kasibugga, Srikakulam.
28. Bhagavan, s/o Hadia Vill-Putabagada, PO-Bhabanada,
PS-Chatrapur,
Dist.Ganjam.

29. Dandasi s/o Latchaiah Vill-Talabadra, PO-Kasibugga, Dist.Srikakulam.
30. Kaiso s/o Bankanidhi Vill-Paikokosadi, PO-Ankulachati, PS-Banapur, Dist.Khurda.
31. Kulamani S/o Mangala Vill-Routrapalli, PO-Badakul, P.S-Banapur, Dist.Khurda.
32. Jagannath s/o Chachu Vill-Kharikapalli, PO-Barakul, PS-Balugaon, Dist.Khurda.
33. Jaya s/o Easwaro, Vill-Bouriasai, PO-Badakul, P.S-Balugaon, Dist.Khurda.
34. Radha s/o Easwara Vill-Bouriasai, PO-Badakul, P.S-Balugaon, Dist.Khurda.
35. Hallu s/o Dukha Vill-Bouriasai, PO-Badakul, P.S-Balugaon, Dist.Khurda.
36. Jharia s/o Dukhisyam, Vill-Bouriasai, PO-Badakul, P.S-Balugaon, Dist.Khurda.
37. Kandh s/o Syamo Vill-Bouriasahi, PO-Badaku, P.S-Balugaon, Dist.Khurda.
38. Mata Biswal s/o Satrughna Vill-Bouriasai, PO-Badakul, P.S-Balugaon, Dist.Khurda.
39. Jagulu s/o Dinabandhu Vill-Ostapalli, PO-Dibyasinghpur, P.S-Balugaon, Dist.Khurda.
40. Gotti s/o Hari Vill-Paikokosadia, P.O-Ankulchoti, P.S-Balugaon, Dist.Khurda.
41. Maheswara S/o Udainath Vill-Ghasangora, PO-Dibyasinghpur, P.S-Balugaon, Dist.Khurda.
42. Anoo s/o Chando, Vill-Langaleswar, P.S-Khallikota, Dist.Ganjam.
43. Bhujo s/o Punja Vill-Langaleswar, P.S-Khallikote, Dist.Ganjam.
44. Boinsi s/o Loknath Vill-Bouriasai, PO-Borakul, P.S-Balugaon, Khurda.
45. Nabagano s/o Hari Vill-Nimaimallu, P.O-Dibyasinghpur.
46. Hallu s/o Khollin Vill-Bouriasai, PO-Borakul, P.S-Balugaon
47. Jayakrushno s/o Sahadebo Vill-Dandigia, PO-Dibyasinghpur.
48. Ghantayat s/o Mongulu Vill-Hatibari, PO-Borakul, P.S-Balugaon.
49. Gotia, s/o Bonamali Vill-Ostapalli PO-Dibyasinghpur, Dist.Khurda.
50. Krushna S/o Purusottam Vill-Routrapalli, PO-Borakul, P.S.-Balugaon.
51. Basudev S/o Sanatha Vill-Nimaimallu, PO-Dibyasinghpur, Dist.Khurda.
52. Satrughano s/o Khallia Vill-Bouriasahi, PO-Borakul, P.S-Balugaon,
53. Gantayat s/o Sudarsan Vill-Nimamallo, PO-Dibyasinghpur, Dist.Khurda.
54. Gokulo s/o Kubero Vill-Thotapada, PO-Borakul, Dist.Khurda.

55. Lochano s/o Sanathan Vill-Chokkidipur, PO-Biribari, P.S-Tangi, Khurda.

56. Ronko s/o Ramo Vill-Biribari, PS-Tangi, Dist.Khurda.

57. Kubero s/o Balajee Vill-Biribari, P.S-Tangi, Khurda.

58. Subalo s/o Iswaro vill-Haldiapatna, PO-Kaluparaghata, P.S-Tangi, Khurda.

59. Ronka S/o Raghu Vill-Chokkidurpur, PO-Biribari, P.S-Tangi, Khurda.

60. Surendra s/o Sanathan, Vill-Chokkidupur, PO-Biribari, P.S-Tangi, Khurda.

61. Braja s/o Markando vill-Chokidhupur, PO-Biribari, PS-Tangi, Khurda.

62. Jambeswar s/o Kapilo Vill-Haldiapatna, PO-Biribari, P.S-Tangi, Khurda.

63. Sankaro s/o Korani, Vill-Chokkidipur, PO-Biribari, P.S-Tangi, Khurda.

64. Sudhakara S/o Banka Vill-Chokkidipur, PO-Biribari, P.S-Tangi, Khurda.

65. Somanath s/o Loknath Vill-Haldiapatna, PO-Kaluparaghata, PS-Tangi, Kaluparaghata

66. Haribandhu s/o Lingaraj, Vill-Kointhapalla, PO-Biribari, P.S-Tangi, Dist.Khurda.

67. Sesho s/o Panchu Vill-Kointhapalla, PO-Biribari, P.S-Tangi, Dist.Khurda.

68. Manguli s/o Sanathan, Vill-Parigorada, P.S-Tangi, Khurda.

69. Keshobo s/o Damo Vill-Champadipur, PO-Champadipur PO-Chandeswar, P.S-Tangi, Khurda.

70. Akuro s/o Bhikari Vill-Sampadhipur, PO-Chandeswar, P.S-Tangi.

71. Aintho s/o Satrughano Vill-Chokkidipur, P.O-Biribari, Via-Kuhudi, Dist.Khurda.

72. Bhagaban s/o Panu Vill-Koitapalla, PO-Biribari.

73. Raghu s/o Udainath vill-Champadeipur, PO-Chandeswar, Dist.Khurda.

74. Durjodhan s/o Markando Vill/PO-Biribari, PS-Tangi, Dist.Khurda.

75. Dayanidhi s/o Arkhito, Vill. PO.... Dist...

76. Durjodhan s/o Arjuno Vill-Chokkidipur, PO-Biribari, Khurda.

77. Ramo s/o Lingaraj, Vill-Boramulu, PO-Olobourangapur, Dist.Nayagarh.

78. Laxmidhar s/o Karik, Vill-Chokkidipur, PO- Dist.

79. Daitari s/o Rathi Vill-Haldia Patna, PO-Kaluparaghata, Dist.

80. Kedar s/o Avi Vill-Chokkidipur, PO-Biribari, P.S-Tangi

81. Doma s/o Raghu Vill-Ratnapur, PO-Kuhudi, Dist.

82. Jharia s/o Narayana Vill-Ratnapur, PO-Kuhudi.

83. Sarabo s/o Prananatho, Vill-Jayamalpur, PO-Biribari, Khurda.
84. Bouribandhu s/o Bihari Vill-Chokkidipur, PO-Biribari, Dist.Khurda.
85. Hari s/o Gourango Vill..... PO....
86. Sachi s/o Kalu Vill-Chokkidipur, PO-Biribari, Khurda.
87. Nallu s/o Udiya Vill-Jayamangalpur, PO-Biribari.
88. Panu s/o Pandabo Vill-Chokkidipur,
89. Pothani s/o Kalu Vill-Chokkidipur.
90. Ranko s/o Pondari, Vill-Chokkidipur
91. Gobindo s/o Sanathan
92. Kubero s/o Kirtan, Vill-Chokkidipur
93. Bhubani s/o Agadhu Vill-Ratnapur, PO-Kuhudi
94. Dhulia s/o Linga, Vill-Chokkidipur
95. Bairagi s/o Karaiah, Vill-Gopalpur, PO-Kottapali, Mandasa.
96. Sri Akuro s/o Abhina
97. Sanathan s/o Anantho
98. Saranga s/o Loka Nath Vill-Tarima, PS-Tangi.
99. Ronkanath s/o Loka Nath Vill-Orida, PO-Parigarh, PS-Tani, Dist.
100. Kumar s/o Brundaban, Vill-Orida, PO-Parigarh, P.S-Tangi.
101. Saffiuddin s/o Mohiuddin Vill....

....APPLICANTS.

By the Advocates - M/s D.R.Pattnaik,
K.C.Pradhan, M.K.Khuntia

Vrs.

1. Union of India, represented by its General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/PO-Jatni, Khurda Road, Dist.Khurda.
3. Senior Divisional Engineer(Co-ordinator), South Eastern Railway, Khurda, At/PO-Jatni, Khurda Road, Dist.Khurda.
4. Senior Divisional Personnel Officer, South Eastern Railway, Khurda, At/PO-Jatni ...OPP.PARTIES.

By the Advocates - Mr.Ashok Mohanty

IN O.A.NO.609/96

1. Sri Maguni s/o Kunja Vill-Poodapada, PO-Argul, P.S-Jatni, Dist.Khurda.
2. Sri Jogi S/o Hatto, Vill-Poodapada, PO-Argul, P.S-Jatni, Dist.Khurda.
3. Bairagi, S/o Rajanna, Vill-Talabadra, PO-Kasibugga, Dist.Srikakulam (AP)
4. Applaswamy s/o Tatayya, Vill-Talabadra, PO-Kasibugga, Srikakulam, Dist.Srikakulam.
5. Dhulia, S/o Balanki, Vill-Panchubatia, PO-Kalupadaghat, Dist.Puri.
6. Pandabo S/o Bhamaro, Vill-Haripur, P.S-Tangi, Kalupada, Dist.Puri.

7. Bairagi, s/o Bhamaro, Vill-Poodapada, PO-Argul, Jatni, Dist.Khurda.
8. Hari s/o Bouribandhu Vill-Saralasinghi, PO-Boindiharikurda, Dist.Puri.
9. Kulamani, s/o Easwaro, Vill-Bindhani, PO-Chandeswar, Tangi, Dist.Puri.
10. Hari, s/o Lochano, Vill-Bindhani, PO-Chandeswar, Tangi, Dist.Puri.
11. Dussano, s/o Sanathano, Vill-Hanumantho, PO-Sorona, P.S-Tangi, Puri.
12. Sudamo, s/o Udiya, Vill-Taribi, PO-Tangi, Kalupara, Dist.Puri.
13. Kedara, s/oBanka, Vill-Panchupatia, PO-Tangi, Kalupara, PURI.
14. Judhistar, s/o Jogi, Vill-Jharia, PO-Bodapari, Tangi, Dist.Puri.
15. Panchanan, s/o Natho vill-Jharia, PO-Bodapari, Tangi, Dist.Puri.
16. Hari, s/o Gandu, Vill-Kuwaspadaro, PO-Kalupada, Dist.Puri.
17. Brojo, s/o Jagabandhu, Vill-Tarini, PO-Kaluparaghata, Puri.
18. Sudamo, s/o Madano, Vill-Tarini, PO-Kaluparaghata, Dist.Puri.
19. Dasarathi, s/o Sanathano, Vill-Khodipadaro, PO-Kaluparaghata, Dist.Puri.
- 20.- Purusottam, s/oChaitanyo, Vill-Panchukatia, PO-Kaluparaghata, Dist.Puri.
21. Subalo, s/oBanchhanidhi, Vill-Singarama, PO-Patianalo, Tangi, Dist.Puri.
22. Saratho, S/o Dhoba, Vill-Aarini, PO-Kalupada, Dist.Puri.
23. Balabhadro, s/o Brundabano, Vill-Kedareswaro, PO-Kaluparaghata, Dist.Puri.
24. Kasi, s/o Bairagi, Vill-Singarama, PO-Kaluparaghata, Dist.Puri.
25. Rajani, s/o Abhi, Vill-Panchubatia, Kaluparaghata, Dist.Puri.
26. Ariya, s/o Kunja, Vill-Tarini, PO-Kaluparaghata, Dist.Puri.
27. Bhikari, S/o Bairagi, Vill-Singarambodisahi, PO-Orada, Dist.Ganjam.
28. Sikharo, s/o Maheswaro, Vill-Singarambodisahi, PO-Orada, Dist.Ganjam.
29. Manguli, S/o Hallu, Vill-Ratnapur, PO-Kalupara, Dist.Puri.
30. Kistayya, s/o Karriah, Vill-Mulapadra, PO-Mandapalli, Ichhapur Dist.
31. Ananto, s/oLokanath, Vill-Chokkidipur, PO-Biribari, Tangi, Dist.Puri.
32. Mochia, s@/o Kaibalo, vill-Chokkidipur, PO-Biribari, Tangi, Dist.Puri.
33. Madhabo, s/o Rahas, Vill-Choria, PO-Dasstual, PS-Begunia, Dist.Puri.

34. Lakhano, s/o Musa vill-Bodopari, PO-Tangi

35. Kalia, s/o Sanando, Vill-Bondapada, PO-Singhabari, Delang, Dist.Puri.

36. Golakho, s/o Bairagi, Vill-Krushtapur, PO-Chandeswar, Tangi, Dist.Puri.

37. Profullo, s/o Dhruba, Vill-Singhibermpur, P.S-Delang.

38. Dussa, s/o Narasingho, vill-Nimaimallo, PO-Dibyasinghpur, Dist.Puri.

39. Dando, s/o Banna, Vill-Ankula, PO-Belopada, PS-Balugaon, Dist.Puri.

40. Hari, s/oDinabandhu Vill-Ankula, PO-Belopada, P.S-Balugaon, Dist.Puri.

41. Narasingh, S/o Soni, Vill-Tentuliapada, PO-Singhpur, Dist.

42. Baguli, s/o Kumar, Vill-Mongalajudi, Tangi, Dist.Puri.

43. Satyabadi, s/o Krishno, Vill-Panchubatia, PO-Kaluparaghata, Dist.Puri.

44. Chaitan, s/o Banchanidhi, Vill-Kedareswar, PO-Jharipada, Tangi, Dist.Puri.

45. Fakira, s/oPodia, Vill-Nimaimallu, PO-Dibyasingh, Balu, Dist.Puri.

46. Rama Rao, s/o Kistamma, Vill-Anantapuram, PO-Somepeta, Srikakulam, Dist.Srikakulam (AP)

47. Maheswar, s/o Dadhi, vill-Haripur, PS-Jankia, Bhusandpur, Dist.Khurda.

48. Bonamali, s/oLokanath Vill-Halidiapatna, Kaluparaghata, Dist.Puri.

49. Dibakaro, S/oMarkando, Vill-Champadipur, PO-Chandeswar, Dist.Puri.

50. Bharato, s/oBanchanidhi, Vill-Hansarali, PO-Chandeswar, Dist.Puri.

51. Kanu, s/oGobardhan, Vill-Haripur, PS-Jhankia, Dist.Puri.

52. Kasi s/o Damo, Vill-Haripur, PS-Jhankia, Dist.Puri.

53. Banamali, s/o Sanathan, Vill-Haripur, P.S-Jhankia, Dist.Puri.

54. Hadu, s/o Jayakrushna, Vill-Haripur, P.S-Jhankia, Dist.Puri.

55. Charano, s/o Bhubani, Vill-Haripur, P.S-Jhankia, Dist.Puri.

56. Satrughano, s/o Dadhi, Vill-Haripur, P.S-Jhankia, Dist.Puri.

57. Trinadho, s/o Uchabo, Vill-Konaka, P.S-Khallikot.

58. Konai, Anando, vill-Konaka, P.S-Khallikot, Dist.Ganjam.

59. Bhikari, s/oJudhisto, Vill-Konaka, P.S-Khallikot, Dist.Ganjam.

60. Kalu, s/o Ananda, Vill-Konaka, P.S-Khallikot, Dist.Ganjam.

61. Manguli, s/o Artha, Vill-Tarini, Kaluparaghata, Tangi, Dist.Puri.

62. B.Krishnamurty, s/o Kangali, Vill-Anantapuram, Sompeta, Srikakul, Dist.Srikakulam (AP)

63. Madhu, s/o Raghu, Vill-Saralamgha, PO-Boridihari kando, Dist.Khurda.

64. Bhagabat, s/o Khetra, Vill-Chandanpur, PO-Golabai, P.S-Tangi, Dist.Khurda.

65. Ronka, s/o Bauri, Vill-Haldiapatna, PO-Kaluparaghata, P.S-Tangi, Dist.Khurda.

66. Rasanando, s/o Brundaban, Vill-Biribari, P.S-Tangi, Dist.Khurda.

67. Raghu, s/o Kukka, Vill-Konaka, P.O-Konaka, P.S-Khallikot, Dist.Ganjam.

68. Ganga, s/o Agadhu, Vill-Konka, PO-Konka, P.S-Khallikot, Dist. Ganjam.

70. Jujhia, s/o Narayano, Vill-Konaka, PO-Konaka, P.S-Khallikote, Dist.Ganjam.

71. Raibaria, s/o Agadhu, Vill-Konaka, PO-Konaka, P.S-Khallikote, Dist.Ganjam.

72. Rama, s/o Chema, Vill-Ankul, PO-Motary, PS-Delang, Dist.Puri.

73. Gangadhar, s/o Narahari, Vill-Deulamundy, PO-Balugaon, P.S.-Banapur, Dist.Khurda.

74. Mangaraj, s/o Purusottam, Vill-Nimainollu, PO-Dibyasinghpur, P.S-Balugaon, Dist.Khurda....Applicants.

By the Advocates - M/s D.R.Patnaik & K.C.Pradhan.

Vrs.

1. Union of India, represented by its General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/PO-Jatni, Khurda Road, Dist.Khurda.
3. Senior Divisional Engineer (Co-ordinator), South Eastern Railway, Khurda, at/PO-Jatni, Khurda Road, Dist.Khurda.
4. Senior Divisional Personnel Officer, South Eastern Railway, Khurda, At/PO-JatniOpp.Parties.

By the Advocate - Mr.Ashok Mohanty.

IN O.A.NO.616 OF 1996

1. Ghanashyam Jena, aged about 44 years, s/o Banchanidhi Jena
2. Nabaghana Moharana, aged about 45 years son of Nakula Moharana
3. Arakhita Jena, aged about 45 years, s/o Baluki Jena.
4. Pandaba Swain, aged about 52 years, son of Gobinda Swain

5. Dhaneswar Jena, aged about 44 years, s/o Arjuna Jena
6. Shyam Jena, aged about 51 years, son of Chaitana Jena

All are of village Pidhapatna, PO-Ahakapada, PS-Delanga, Dist.Puri.

7. Kailash Moharana, aged about 50 years, son of Mohan Moharana, Vill-Ranch PO-Beraboi, PS-Delanga, Dist.Puri.
8. Braja Nayak, aged about 53 years, son of Bauria Nayak.
9. Parama Senapati, aged about 51 years, s/o Mohan Senapati, Vill-Tolapada, PO-Ahakapada, PS-Delanga, Dist.Puri.
10. Arakhita Sethi, aged about 53 years, son of Budhia Sethi, Vill-Thentana, PO-Guliapada, PS-Delanga, Dist.Puri.
11. Kshetrabasi Sahoo, aged about 38 years, s/o Hadibandhu Sahoo, Vill/PO-Praharaipur, P.S-Delanga, Dist.Puri.
12. Nidhi Pradhan, aged about 51 years, s/o Raghu Pradhan, Vill: Panchupala, PO-Gualipada, PS-Delanga, Dist.Puri.
13. Sudam Sahoo, aged about 50 years, son of Ghana Sahoo, At-Dapur, PO-Beraboi, PS-Delanga, District-Puri.
14. Panchu Dalai, aged about 51 years, son of Madan Dalai, At-Dapur
15. Somanath Pradhan, aged about 51 years, son of Hursikesh Pradhan, At-Udayapur, PO-Beraboi, PS-Delanga, Dist.Puri.
16. Bauria Swain, aged about 51 years, son of Gurai Swain, At-Posal, PO-Hakapada, PS-Delanga, Dist.Puri.
17. Dija Parida, aged about 51 years, son of Gopi Parida, At
18. Bharat Parida, aged about 47 years, At-Humar, PO-Beraboi, PS-Delang, Dist.Puri.
19. Bala Mohanty, aged about 53 years, son of Modan Mohanty, At-Sreepatipur, PO-Hakpada, PS-Delanga, Dist.Puri.
20. Karunakar Mallick, aged about 52 years, son of Panu Malik, At-Sadpada, PO-Hakpada, PS-Delanga, Dist.Puri.
21. Achuta Jena, aged about 45 years, son of Monia Jena, At-Sreepatipur, PO-Hakpada, PS-Delanga, Dist.Puri.
22. Karunakar Chhatoi, aged about 45 years, son of Bira Chhatoi, At/PO-Golipada, PS-Delanga, Dist.Puri.
23. Rama Chandra Swain, aged about 53 years, son of Ananda Swain, At-Dapur, PO-Beraboi, PS-Delanga, Dist.Puri.

24. Brundaban Mohapatra, aged about 53 years, son of Jagu Mohapatra, At-Sadpada, PO-Hakpada, PS-Delang, Dist.Puri.
25. Gopal Barik, aged about 52 years, son of Nat Barik, At/PO-Hakpada, PS-Delanga, District-Puri.
26. Gokul Khotai, aged about 53 years, son of Kanhai Khotai, At-Dakpada, PS/PO-Delanga, Dist.Puri.
27. Prahalad Swain, aged about 44 years, son of Aprati Swain, At-Dokanadua, PS-Delanga, PO-Delanga, Dist.Puri.
28. Nakula Rout, aged about 44 years, son of Hina Rout, At-Pali, PO-Praharajpur, PS-Delanga, Dist.Puri.
29. Prahalad Swain, aged about 48 years, son of Gaji Swain, At-Dokanadua, PS-Delanga, Dist.Puri.
30. Abhimanu Majhi, aged about 52 years, son of Arjun Majhi, At-Govindpur, PO-Depur, P.S-Delanga, Dist.Puri.
31. Apna Behera, aged about 45 years, son of Jadu Behera, At-Dokanadua, PS-Delanga, District-Puri.

Applicants.

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By the Advocate - Mr.D.P.Dhalsamant

Vrs.

1. Union of India, represented through General Manager, South Eastern Railway, Garden Reach, Calcutta-700 043.
2. Divisional Railway Manager (P), South Eastern Railway, Khurda Road, Dist.Khurda.
3. Divisional Personnel Officer, South Eastern Railway, Khurda Road, District-Khurda

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Respondents

By the Advocate - Mr.Ashok Mohanty.

IN OA NO.670/96

1. Sri Nepal s/o Prananath
2. Sri Pravakar s/o Bhramar Both are of village Udigiri, PO-Sundaripur, P.S-Tangi, Dist.Khurda.
3. Meghanath s/o Chemanandan Vill-Nimaimallu, PO-Dibyasininghpur, Dist.Khurda.
4. Sri Abhi s/o Bali
5. Raghu s/o Bahadur
6. Sri Nakula s/o Bali Nos. 4 to 6 are of village Dimgiria, PO-Dimgiria, P.S-Khalikote, Dist.Ganjam.

7. Sri Sibonarayan Naik, s/o K.K.Naik
8. Sri Bidyadhar s/o Haribiswal,
Nos. 7 and 8 are of village Sarala Singh, PO-Boridi
(HK), P.S-Banpur, Dist.Khurda.
9. Sri Sikharo, s/o Jati
10. Sri Chakradhar s/o Gati
Nos. 9 and 10 are of village Chandanpur,
PO-Golabai, P.S-Jankia, Dist.Khurda.
11. Sri Gurukha s/o Bira
vill/PO-Golabai, P.S-Jankia, Dist.Khurda.
12. Sri Kailaso s/o Hadu village Jamuna, P.O-Argul,
PS-Delang, Dist.Khurda.
13. Sri Arkitho s/o Narsingo, Vill-Porichabadro,
P.O-Dibyasinghapur, P.S.-Banpur, Dist.Khurda.
14. Sri Kartik s/o Brundaban, Vill-Dolamundai,
P.O-Belopada, P.S-Banapur, Dist.Khurda.
15. Sri Narayan s/o Dhabai,
Village-Khuntpali, P.O-Kumarango, P.S-Banaput,
Dist.Khurda.
16. Sri Pandavo s/o Hadu, vill-Dolamundai,
P.O-Belopada, P.S.-Banaput, Dist.Khurda.
17. Sri Gullak, s/o Ranko
18. Sri Lakhana s/o Biswanath
19. Sri Denarajo s/o Kunjo
Nos. 17 to 19 are of village Ankul, P.O-Belopada,
P.S-Balugaon, Dist.Khurda.
20. Sri Hallu s/o Hotto, Vill-Mundalo,
P.O-Kalupadaghat, P.S-Tangi, Dist.Khurda.
21. Sri Sidheswar s/o Kulamani
22. Sri Saratha s/o Haribandhu,
Nos 21 and 22 are of village/PO-Golabai,
PS-Jankia, Dist.Khurda.
23. Sri Bouribandhu s/oJuhhistir
24. Sri Kagaju s/o Ranka
25. Sri Kesab s/o Kulamani
Nos. 23 to 25 are of village Kumbhirapada,
P.O-Singhiasaro, P.S-Banpur, Dist.Khurda.
26. Sri Bichitrananda s/oChema
Village-Nimaimallu, P.O-Dibyasinghapur,
P.S-Balugaon, Dist.Khurda.
27. Sri Trinatha s/o Markanda
Village-Udaigiri, P.O-Sundarpur, P.S-Tangi,
Dist.Khurda.
28. Sri Hazari s/o Bishnu
Village-Boradi, P.S-Banapur, Dist.Khurda.
29. Sri Bharata s/o sudarsan, Vill-Boradi,
P.S-Banpur, Dist.Khurda.

30. Sri Dhobai s/o Biro, village-Saralasingh, P.O-Boridighat, P.S.-Banapur Dist.Khurda.

31. Sri Jayakrishno s/oIadu village Turyasingh, P.O-Panchugaon, P.S-Banpur, Dist.Khurda.

32. Sri Kambo s/o Gouranga, Village-Udiyapur, P.O-Sundarpur, P.S-Tangi, Dist.Khurda.

33. Sri Trinath s/o Krishna

34. Sri Dasarathi, s/oSikharo nos. 33 and 34 are of village-Udaigiri, P.O-Sundarpur, P.S-Tangi, Dist.Khurda.

35. Sri Laxmidhar s/o Banambar, Vill-Udayagiri, P.O-Sundarpur, P.S-Tangi, Khurda.

36. Sri Bouria s/o Panchu

37. Sri Khetra s/o Bharat Both are of village Palduapalli,P.O-Palduapalli, P.S-Khalikot,Dist.Ganjam.

38. Sri Fagu, s/o Prahallad Vill/PO-Singh Berhampur, P.S-Delang,Dist.Khurda.

39. Sri Natabar s/o Shyam Vill-Singada, P.O-Andhaipalli,P.S-Bhadrak,Dist.Balasore at present Bhadra.

40. Sri Bhaskar s/oBandha, Vill-Udiayagiri, P.O-Sundarpur, P.S-Tangi, Dist.Khurda.

41. Sri Gokulo, s/o Bisnoo, Vill/PO-Boradi Harikundo, P.S-Banapur, Dist.Khurda.

42. Sri Hurshi s/o Hadu

43. Sri Chandra s/o Murali Nos. 42 and 43 are of village/PO-Boradi Harikundo, P.S-Banapur, Dist.Khurda.

All the applicants are retrenched Casual/Temporary Labourers working under PWI belonging to Khurda Road,Kalupadaghat, Balugaon, Rambha, Gorakhanath, CAP, TAP Units in Khurda Road Division in S.E.Rly.

Applicants

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By the Advocates - M/s Bijan Ray,
C.Choudhury,S.Patnaik,
& S.Mohanty

Vrs.

1. Union of India, represented through General Manager, S.E.Railway, Garden Reach, Calcutta-1(West Bengal).

2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, at/PO-Jatni,Dist.Khurda.

3. Senior Divisional Engineer(Coordinator), South Eastern Railway, Khurda Road, At/PO-Jatni,Dist.Khurda.

4. Senior Divisional Personnel Officer,
South Eastern Railway, Khurda Road, At/PO-Jatni,
District-Khurda.

..... Respondents

By the Advocate - Mr. Ashok Mohanty.

IN OA NO.772/96

1. Dolagobinda Mahapatra, aged about 39 years, son of late Madan Mohapatra, Vill-Balepuri, P.O-Chatua, P.S-Kujanga, Dist.Jagatsinghpur.
2. Harihara Sahoo, aged about 40 years, s/o late Mathurananda Sahoo, at present Vill-Rangiagarh, P.O-Jhumari, P.S-Paradeep, Dist.Jagatsinghpur

...Applicants

By the Advocates - M/s Debaraj Ray,
SK.Barik &
A.K.Naik.

Vrs.

1. Union of India, represented through General Manager,
South Eastern Railway,
Garden Reach, Calcutta-48.
2. Divisional Railway Manager (Personnel),
Khurda Road, South Eastern Railway,
Dist.Khurda (Jatni Divn.) ... Respondents.

By the Advocate - Mr. Ashok Mohanty

IN OA NO.793/96

1. Jambu, aged about 45 years, son of Nanda,
At-Jamuna, P.O-Argul, P.S-Delang, Dist.Puri.
2. Madan, aged about 46 years, son of Anama,
At-Jamuna, P.O-Argul, P.S-Delang, Dist.Puri.
3. Avi, aged about 46 years, son of Judhistir
At-Jamuna, P.O-Argul, Dist.Puri.
4. Padan, aged about 50 years, son of Kulamani,
At-Jamuna, P.O-Argul, Dist.Puri.
5. Bela, aged about 44 years, son of Sankar,
At-Jamuna, P.O-Argul, Dist.Puri.
6. Pravakar, aged 44 years, son of Chakradhar,
At/PO-Tirmal, Via-Bajpur, P.S-Jatni, Dist.Khurda.
7. Hrusi, aged about 4 years, s/o Chema,
At/PO-Tirmal, P.S-Jatni, Dist.Khurda.
8. Durga Charan, aged about 46 years, son of Sankar,
At/PO-Tirmal, Via-Bajpur, P.S-Jatni, Dist.Khurda.

9. Kelu, aged about 50 years, son of Bhagabat, At/PO-Tirmal, Via-Bajpur, P.S-Jatni, District-Khurda.
10. Sadei, aged about 44 years, son of Bana, At/PO-Tirmal, Via-Bajpur, P.S-Jatni, Dist.Khurda.
11. Kelu, aged 50 years, son of Nidhi, At/PO-Tirmal, Via-Bajpur, P.S-Jatni, Dist.Khurda.
12. Jogi, aged about 45 years, son of Bhabani, At/PO-Tirmal, Via-Bajpur, P.S-Jatni, District-Khurda.
13. Bhagyadhar, aged about 47 years, son of Sauri, At-Baraara, P.O-Argul, Via-Bajpur, P.S-Jatni, Dist.Khurda.
14. Krushna, aged about 40 years, son of Lokanath, At-Ranipur, P.O-Tirmal, P.S-Jatni, Dist.Khurda.
15. Bhaskar, aged about 45 years, son of Kuber, At-Benapanjari, P.O-Tirmal, P.S-Jatni, Dist.Khurda.
16. Sudhakar, aged about 44 years, son of Nakula, At-Benapanjari, P.O-Tirmal, P.S-Jatni, Dist.Khurda.
17. Daitari, aged about 45 years, son of Banamali, At-Benapanjari, P.O-Tirmal, P.S-Jatni, Dist.Khurda.
18. Aparti, aged about 45 years, son of Lokanath, At-Manitri, P.O-Goradia, Dist.Puri.
19. Arata, aged about 40 years, son of Banamali, At-Manitri, P.O-Goradia, Dist.Puri.
20. Bhuja, aged about 45 years, son of Gopi, At-Manigri, P.O-Goradia, Dist.Puri.
21. Halu, aged about 30 years, son of Pandaba, At-Haripur, P.O-Argul P.S-Jatni, Dist.Khurda.
22. Aparti, aged about 45 years, son of Banamali, At-Manitiri, P.O-Goradia, Dist.Puri.
23. Arata aged about 45 years, son of Udia, At-Manitiri, P.O-Goradia, Dist.Puri.
24. Sankara, aged about 44 years, son of Kubera, At-Rengala Patna, P.O-Godiputmatiapada, P.S-Delanga, Dist.Puri.
25. Bharata, aged about 42 years, son of Arjuna, At-Barana, P.O-Argul, P.S-Jatni, Dist.Khurda.
26. Sarat, aged about 44 years, son of Purna, At-Barana, P.O-Argul, P.S-Jatni, Dist.Khurda
27. Pahali, aged about 46 years, son of Mohan, At-Bisipada, P.O-Tirmal, Via-Bajpur, P.S-Jatni, Dist.Khurda..
28. Narendra, aged about 44 years, son of Kuber, At-Tirmal P.O-Tirmal, Via-Bajpur, P.S-Jatni, Dist.Khurda..... Applicants

By the Advocates - M/s D.R.Pattnaik,
K.C.Pradhan &
MK. Khuntia

Vrs.

35

1. Union of India, represented by its General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/PO-Jatni, Khurda Road, Dist.Khurda.
3. Senior Divisional Engineer (Co-ordinator), South Eastern Railway, Khurda, At/PO-Jatni, Khurda Road, Dist-Khurda..
4. Senior Divisional Personnel Officer, South eastern Railway, Khurda, At/PO-Jatni.....Respondents

Advocate for Respondents-Mr. Ashok Mohanty

IN OA NO.801 OF 1996

1. Ranka Mohataray, aged about 51 years, son of late Kubera Mahatray, Village-Jajpur, P.O-Nirakarpur, Dist.Khurda.
2. Mathura Martha, aged about 51 years, son of late Prabhakar Martha, Village-Jajpur, PO-Nirakarpur, P.S-Jankia, Dist.Khurda.
3. Bikram Pradhan, aged about 45 years, son of late Iswara Pradhan, Village-Jajpur, P.O-Nirakarpur, P.S-Jankia, District-Khurda.
4. Dhani Martha, aged about 55 years, son of late Dibakara Martha, Village-Jajpur, P.O-Nirakarpur, P.S-Jankia, Dist.Khurda.
5. Bijadhan Pradhan, aged about....years, son of Maheswar Pradhan, At-Jajpur, P.O-Nirakarpur, Dist.Khurda.
6. Hari Sahu, aged about 47 years, son of late Pathani Sahu, At-Jajpur, P.O-Nirakarpur, P.S-Jankia, Dist. Khurda.
7. Sikhar Pradhan, aged about 46 years, son of Bhikari Pradhan, At-Jajpur, P.O-Nirakarpur, P.S-Jankia, District-Khurda.
8. Upendra Das, aged about....years, son of late Kulamani Das, At-Jajpur, P.O-Nirakarpur, P.S-Jankia, District-Jajpur.
9. Dusasan Mahataray, aged about 54 years, son of late Bhaba Mahataray, At-Jajpur, P.O-Nirakarpur, P.S-Jankia, District-Khurda.
10. Dhulia Mahataray, aged about 53 years, son of late Pohali Mahatray, At-Jajpur, P.O-Nirakarpur, P.S-Jankia, Dist.Khurda.

11. Jaladhara Mohapatra, aged about....years, son of Bhabani Mohapatra, At-Jajpur, P.O-Nirakarpur, P.S-Jankia, Dist.Khurda.
12. Padan Mohataray, aged about 48 years, son of late Bharat Mahataray, Village-Jajpur, P.O-Nirakarpur, P.S-Jankia, District-Khurda.
13. Sarangadhar Dhaudiasinga, aged about 51 years, son of late Udiyanath Dhaudiasinga, At/PO-Haripur, Via-Singapur, P.S-Jankia, Dist.Khurda.
14. Sri Gobadhar Pradhan, aged about 48 years, son of late Narayan Pradhan, At-Rangata, P.O-Nirakarpur, P.S-Jankia, District-Khurda.
15. Kaibalya Samantaray, aged about 51 years, son of late Manguli Samantaray, Village-Ramabili, P.O-Domanabhai, P.S-Jankia, District-Khurda.
16. Gandhi Mangaraj, aged about 51 years, son of Lokanath Mangaraj, At-Ramabili, P.O-Domanabhai, P.S-Jankia, Dist.Khurda.
17. Jagannath alias Jogi Harichandan, son of Indramani Hari Chandan, At-Ramabili, P.O-Domanabhai, P.S-Jankia, Dist.Khurda.
18. Adhu Gumansinga, aged about 48 years, son of Balabhadra Gumansinga, At-Jankia, Nuagaon, PO/PS-Jankia, District-Khurda.
19. Dhaneswar Srichandan, aged about 49 years, son of late Bali Srichandan, Village-Jankia Nuagaon, P.O/PS-Jankia, District-Khurda.
20. Bhamar Gumansinga, aged about 49 years, son of late Balabhadra Gumansinga, At-Jankia Nuagaon, PO/PS-Jankia, District-KhurdaApplicants
By the Advocates - M/s K.C.Mohapatra & B.B.Roy.

Vrs.

1. Union of India, represented through General Manager, South Eastern Railway, Garden Reach, Calcutta.
2. Divisional Railway Manager (Personal), Khurda Road, South Eastern Railway, District-Khurda (Jatni Division).....Respondents
By the Advocates - Mr.Ashok Mohanty.

IN OA NO.811/96

Raja s/o Rama At/PO-Tirmal,
Via-Bajpur, P.S-Jatni, Dist.KhurdaApplicant

By the Advocate - M/s D.R.Patnaik & K.C.Pradhan.

Vrs.

1. Union of India, represented by its General Manager, South Eastern Railway, Garden Reach, Calcutta-43.

2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/PO-Jatni, Khurda Road.
3. Senior Divisional Engineer (Co-ordinator), south Eastern Railway, Khurda, At/PO-Jatni, Khurda Road, Dist-Khurda.
4. Senior Divisional Personnel Officer, South Eastern Railway, Khurda, At/PO-Jatni.....Respondents

By the Advocates - Mr.Ashok Mohanty.

IN O.A. NO.862/96

1. Sri Bira s/o Mahi, village-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
2. Sri Pandab s/o Landa, vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
3. Sri Millu, s/o Chaitan, Vill-Gurujanga, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
4. Sri Arkhito, s/o Bouria, village-Derasingh Kankadopal, P.S-Sadaro, Dist.Dhenkanal.
5. Bhaskara s/o Brundaban, Vill-Derasingh Kankadopal, P.S-Sadaro, Dist.Dhenkanal.
6. Bikrama s/o Gandu, vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist..Dhenkanal.
7. Bhramara s/o Sudarsan, Vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
8. Benudhar s/o Uchhab, Vill-Rasasingh, P.O-Belopada, P.S-Sadaro, Dist.Dhenkanal.
9. Golekha, son of Gandu, vill-Rasasingh, P.O-Belopada, P.S-Sadaro, Dist.Dhenkanal.
10. Golekha, son of Budhia, vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
11. Gouranga S/o Dayanidhi, vill-Sarata, P.O-Gundei, P.S-Sadaro, Dist.Dhenkanal.
12. Bholeswar s/o Ananta Vill/PO-Barada, P.S-Sadaro, Dist.Dhenkanal.
13. Bhramara s/o Sanatana, Vill-Jonhitalia, P..O-Barada, P.S-Sadaro, Dist.Dhenkanal.
14. Jambeswar s/o Krushna, Vill-Jonhitalia, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
15. Gauranga, s/o Banamali, Vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
16. Rajiba s/o Nata Vill-Tentuliapada, P.O-Baulpur, P.S-Sadaro, Dist.Dhenkanal.
17. Satura s/o Kurupa, Vill-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
18. Madhu s/o Bajia, Vill-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.

19. Fakira s/o Dhadak, Village-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
20. Aparti, s/oDhadia, Vill-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
21. Sadananda s/o Kashi, Vill-Tentuliapada-Baulpur, P.S-Sadaro, Dist.Dhenkanal.
22. Rahita s/o Kanhu, Vill/PO-Ekagharia-Balaramprasad, P.S-Sadaro, Dist.Dhenkanal.
23. Baraja s/o Bhagabat, Vill-Barada, P.O-Barada, P.S-Sadaro,Dist.Dhenkanal.
24. Chaina, s/o Nidhia, vill-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
25. Sikhara s/o Saita, vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
26. Kumara s/o Trilochan, Vill-Mahadia, P.O-Belapada, P.S-Sadaro, Dist.Dhenkanal.
27. Pitabash s/o Hari, vill-Barada, P.O-Barada, P.S-Sadaro, Dist.Dhenkanal.
28. Sapana, s/o Arjuna, vill-Mahadia, P.O.-Belapada,P.S-Sadaro,Dist.Dhenkanal.
29. Bikala, s/o Bajia, Vill-Gengutia, P.O-Gengutia, P.S-Sadaro, Dist.Dhenkanal.
30. Golekha, s/o Dina, Vill!Gengutia, P.O-Genmgutia, P.S-Sadaro, Dist.Dhenkanal.
31. Raja s/o Bana, vill/PO-Murudangapalli-Balaramprasad, P.S-Sadaro, Dist.Dhenkanal.
32. Dambarudhar s/oTuri, Vill-Godidi, P.O-Balaramprasad, P.S-Sadaro, Dist.Dhenkanal.
33. Fakira s/o Gandu, vill-Gengutia, P.O-Gengutia, P.S-Sadar, Dist.Dhenkanal.
34. Bhima, s/o Mittu, Vill-Godidi, P.O-Balaramprasad, P.S--Sadar, Dist.Dhenkanal.
35. Sri Dhaneswar s/o Achuta, Vill/PO-Ekogharia-Balaramprasad, P.S-Sadar, Dist.Dhenkanal.
36. Sri Kailash s/o Chaitana, Vill-Gengutia, P.O-Gengutia, P.S-Sadar, Dist.Dhenkanal.
37. Sana s/o Kandura, VillGengutia, P.O-.Gengutia, P.S-Sadar, Dist. Dhenkanal.
38. Sudhakara s/o Kunja, Vill-Odapada, P.O-Hindol Road, P.S-Sadar, Dist.Dhenkanal.
39. Akura s/o Upendra Vill-Jonhitaila, P.O-Barada P.S-Sadar, Dist.Dhenkanal.
40. Krushna s/o Makunda, vill-Kotagara, P.O-Kontiaputsahi, P.S-Sadar, Dist.Dhenkanal.
41. Hadoo son of Kashi vill-Gurapalli,P.O-Bejput, P.S-Rambha, Dist.Ganjam.

42. Nalu, son of Gopi, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
43. Charana s/o Donai, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
44. Saratha, s/o Banchanidhi, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
45. Rajo s/o Prahallad, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
46. Jogi s/o Banchha, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
47. Laxmidhar S/o Aijha, Vill-Nayapatna, P.O-Haripur Sason, P.S-Tangi, Via-Gangadharpur, Dist.Khurda.
48. Kulamani s/o Ananda, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
49. Dinabandhu s/o Hadu Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
50. Trinath s/o Ananath, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
51. Surendra s/o Sanatan, Vill-Udigiri, P.O-Sundaipur, P.S-Tangi, Dist.Khurda.
52. Sachi s/o Natabar Vill-Udigiri, P.O-Sundaipur, P.S-Tangi, Dist.Khurda.
53. Gouranga, s/o Natabara Vill-Udigiri, P.O-Sundaipur, P.S-Tangi, Dist.Khurda.
54. Laxmidhar S/o Purna, Vill-Sadangoi, P.O-Sadangoi, P.S-Delang, Dist.Puri.
55. Indramani s/o Kanhu vill-Mangalpur, P.O-Mangalpur, P.S-Sadaro, Dist.Dhenkanal.
56. Ramo s/o anantho, Vill-Haripur, P.O-Haripur Sason, P.S-Tangi, Dist.Khurda.
57. Bharnaro, s/o Lokanath, Vill/PO-Haripur, P.S-Tangi, Dist.Khurda..Applicants

By the Advocate - Mr.D.R.Patnaik

vrs.

1. Union of India, represented by its General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/PO-Jatni, Khurda Road, Dist-Khurda.
3. Senior Divisional Engineer (Co-ordinator), South Eastern Railway, Khurda, At/PO-Jatni, Khurda Road, Dist.Khurda.
4. Senior Divisional Personnel Officer, South Eastern Railway, Khurda, At/PO-Jatni, Dist.Khurda.....

..... Respondents

By the Advocate - Mr.Ashok Mohanty

IN O.A.NO.863/96

1. Banchha s/o Raghu,
At-Anlajori, P.O-Tirkula, Via-Bazepur, P.S-Kanas,
Dist. Puri.
2. Kapilo s/o Kelo
3. Jogi s/o Rama
4. Braja s/o Jagannath
5. Gobinda s/o Chakara
All are of Vill/PO/Via/PS/Dist.Puri.
By the Advocate - Mr.D.R.Patnaik
Vrs.

1. Union of India, represented by its General Manager,
South Eastern Railway, Garden Reach, Calcutta-43
(W.B.).
2. Divisional Railway Manager, South Eastern Railway,
Khurda Road Division, At/PO-Jatni, Khurda Road,
Dist.Khurda.
3. Senior Divisional Engineer (Co-ordinator), South
Eastern Railway, Khurda, At/PO-Jatni, Khurda Road,
Dist.Khurda.
4. Senior Divisional Personnel Officer, South Eastern
Railway, Khurda At/PO-Jatni, Dist.Khurda
... Respondents
By the Advocate - Mr.Ashok Mohanty

IN OA NO.864/96

Sankar Behera, s/o late Bidyadhar Behera,
Village-Deulabasta, P.O-Arugula, Dist.Puri....Applicant

By the Advocate - M/s D.r.Patnaik
K.C.Pradhan &
M.K.Khuntia.

Vrs.

1. Union of India, represented by its General Manager,
South Eastern Railway, Garden Reach, Calcutta-43
2. Divisional Railway Manager, South Eastern Railway,
Khurda Road Division, At/PO-Jatni, Khurda Road.
3. Senior Divisional Engineer (Co-ordinator), South
Eastern Railway, Khurda, At/PO-Jatni, Khurda Road,
Dist.Khurda.
4. Senior Divisional Personnel Officer, South Eastern
Railway, Khurda, At/PO-Jatni, Dist.Khurda.

..... Respondents

By the Advocate - Mr.Ashok Mohanty

IN OA NO.912/96

Krishna Chandra Swain, aged about 48 years, son of late
Duryodhan Swain, At-Tangi, P.O-Tamagada,
P.S-Tangi, Dist.Cuttack

....Applicant

By the Advocate - M/s D.Mohanty,
K.M.Samal, B.K.Biswal,
K.Lenka & U.K.Samal.

Vrs.

1. Government of India, represented through General Manager, South Eastern Railway, At-Garden Reach, Calcutta-48.
2. Divisional Railway Manager (Personnel), KhurdaRoad, South Eastern Railway, At/PO-Khurda Road (Jatani Division), Dist.Khurda.....Respondents

By the Advocate - Mr.Ashok Mohanty

IN OA NO.924/96

1. Jalandhar Champati, aged about 42 years, son of Banchanidhi Champati, At/PO-Motari, Dist.Puri.
2. Chakradhar, aged about 39 years, son of Kubera, At/PO-Motari, Dist.Puri.
3. Subala, aged about 37 years, At-Jamukholi, P.O-Panchagaon, District-Puri.
4. Ganesh, aged about 34 years, son of Nakula, Dist.Puri.
5. Bhaskar, aged about 38 years, son of Athanga, At/PO-Gada Motari, District-Puri.
6. Laxim Khan, aged about 41 years, son of Sardar Khan, At/PO-Motari, Dist.Puri.
7. Jumma Khan, aged about 37 years, son of Mansur Khan, At/PO-Motari, Dist.Puri.
8. Kabi, aged about 35 years, son of Laxman, Dist.Puri.
9. Ghana, aged about 42 years, son of Sananda, At-Panchapalli, P.O-Retang, Dist.Puri.
10. Surendra aged about 36 years, son of Ghanashyam, At/PO-Retang, Dist.Puri.
11. Purna, aged about 31 years, son of Pasti, At-Ankol, P.O-Motari, Dist.Puri.
12. Laxmidhar, aged about 34 years, S/o Panu, At/PO-Ghodradia, District-Puri.
13. Purna, aged about 37 years, son of Raju, At/PO-Kanti, Dist.Puri.
14. Netra, aged about 37 years, son of Brunda, Dist.Puri.

15. Jogi, aged about 33 years, son of Golekh, Dist.Puri.
16. Saraba, aged about 36 years, son of Kellu, Dist.Puri.
17. Hari, aged about 35 years, son of Sadhu, at Haripur, Birapurusottampur, Dist.Puri.
18. Kailash, aged about 39 years, son of Diga, at Panchapalli, P.O.-Retang, Dist.Puri.
19. Naran, aged about 34 years, son of Banchanidhi, Dist.Puri.
20. Linga, aged about 33 years, son of Binod, at Gobindapur, P.O-Depursasan, Dist.Puri.
21. Dasarathi, aged about 37 years, son of Subal, At-Panchapalli, P.O-Retang, Dist.Puri.
22. Gangadhar, aged about 36 years, son of Kusuni, At-Haripur, P.O-Birapurusottampur, Dist.Puri.
23. Batakrushna Nayak, aged about 35 years, At-panchappali, P.O-Retang, Dist.Puri.

....Applicants

By the Advocate - Mr.D.P.Dhalsamant.

Vrs.

1. Union of India, represented through General Manager, South Eastern Railway, Garden Reach, Calcutta-700 043.
2. Divisional Railway Manager (P), South Eastern Railway, Khurda Road, Dist.Khurda.
3. Divisional Personnel Officer, South Eastern Railway, Khurda Road, Dist.Khurda.....Respondents

By the Advocate - Mr.Ashok Mohanty.

IN OA NO.932 OF 1996

Narayan Harichandan, aged about 45 years, son of Harichandan, At-Kunia Jagabandhu Samantarapur, P.O-Nirakarpur, P.S-Jankia, District-Khurda

.....Applicant

By the Advocates - M/s K.C.Mohapatra
B.b.Ray &
S.P.Dhal.

Vrs.

1. Union of India, represented through General Manager, South Eastern Railway, Garden Reach, Calcutta.
2. Divisional Railway Manager (Personnel), Khurda Road, South Eastern Railway, Dist.Khurda (Jatni Division) Respondents

By the Advocate - Mr.Ashok Mohanty

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O R D E R

SOMNATH SOM, VICE-CHAIRMAN

This batch of fifteen original Applications has been heard together. The petitioners are similarly placed and the prayers made by them in these Applications are also substantially the same. The learned counsels for the petitioners appearing in OA no.481/96 and OA No.439/96 have argued the matter at length. The learned counsels appearing for the petitioners in other cases have adopted the submissions made by the learned counsels for the petitioners in OA No.481/96 and OA No.439/96. In view of the above, one order will cover these fifteen cases. The facts of OA 481/96 and OA 439/96 have to be referred to first.

2. In OA No.481/96 there are 101 petitioners. They state that they were casual labourers under Permanent Way Inspectors belonging to Sompeta, Berhampur, Rambha and Khurda Road Units. They had worked as casual workers from 1967-68 to 1972-73. Assistant Engineer, S.E.Railway, Berhampur, prepared a seniority list of casual labourers working under P.W.I.s., Sompeta, Berhampur, Rambha and Khurda Road Units, and in the seniority list, which is at Annexure-1, there are names of 616 casual labourers. At Annexure-1/1 is a seniority list of casual labourers of Sompeta Unit, and at Annexure-1/2 is a seniority list of casual labourers of Rambha Unit where there are 522 names.

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The petitioners state that according to the instructions of Railway Board, retrenched casual labourers have a right to be given first preference for re-engagement and they are to be re-engaged on the basis of their position in the seniority list. The petitioners are retrenched casual labourers of the above units. They had filed several representations to the authorities for their re-engagement, but these were not considered. They also made a grievance that retrenched casual labourers of P.W.I.s., Berhampur and Rambha, who had worked in monsoon gang had not been included in the divisional list. Further, the period for which they had worked in Doubling Organisation was not taken into consideration. On 16.11.1989 Divisional Personnel Officer, Khurda Road, issued a letter (Annexure-3) to Assistant Engineer, Berhampur and Assistant Engineer-2, Khurda Road requesting that some gangmen who had worked in monsoon patrolling under P.W.I.s., Sompeta, Berhamapur and Kaluparaghata and also had put in Construction Organisation had represented that their grievances have not been taken into account. On verification, it was seen that as they had not produced proper identification for their working, their services were not taken into account. It has been ordered that if any such labourers are left out, they should produce their working certificate with proper identification and the casual labour cards and screening would be conducted on

20.11.1989 in the office of Assistant Engineer, Berhampur, at 11.00 hours. If any labourers are left out, they should produce the said records before Assistant Engineer by 30.11.1989 and their screening would be conducted in the first week of December 1989. Thereafter no further chance could be given to such retrenched casual labourers and this should be made clear to them. The petitioners state that all of them produced the respective documents for preparation of the seniority list and documents filed by some of them are at Annexure-4 series. At Annexure-5 is a letter from the Union requesting the Divisional Railway Manager, Khurda Road, to extend sympathetic attitude for appointment of retrenched casual labourers. On 6.5.1993 Senior Divisional Engineer, Khurda Road, issued a letter at Annexure-6 to all Assistant Engineers of Berhampur, Khurda Road, Bhubaneswar and Cuttack. Along with this letter, a permanent way statement showing vacancy position of casual labourers under P.W.I.s. was enclosed. It was indicated that there were 255 permanent way vacancies of casual labourers which were required to be filled up immediately. A copy of the live register of retrenched casual labourers was also enclosed and the Assistant Engineers were directed for a thorough checking if any casual labourer is still left behind for absorption. Such casual labourers should be contacted and absorbed

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against existing vacancies under the concerned P.W.I. with the prior permission of Senior Divisional Engineer. It was indicated that if the casual labourers do not turn up within fifteen days, they should be dropped. It was also mentioned that P.W.I.s. should be advised to notify on their Notice Board regarding engagement of retrenched casual labourers and collect applications and send them to Senior Divisional Engineer duly certified along with service cards for considering their absorption against balance vacancies available. It was indicated that the absorption of permanent way casual labourers would be strictly on seniority basis and open line permanent way retrenched casual labourers would be given preference. It was stated that this process should be completed before 31.5.1993. In response to this, the petitioners state that they had sent their applications and documents to the concerned authorities in 1993 and even though three years have passed from then, they have not heard anything further. Non-consideration of their case, according to the petitioners, is illegal and arbitrary. It is further submitted that on 28.5.1996 the Divisional Railway Manager, S.E.Railway, Khurda Road, issued notice at Annexure-7 which was about engagement of fresh face casual labour in Engineering Department of Khurda Road Division from open market. Applications were invited from eligible

male candidates for engagement as casual labour on daily rate of wages. The period of engagement was 119 days or upto 31.10.1996 whichever is earlier and thereafter retrenchment would be done without any further notice. It was indicated that there were 907 vacancies and usual reservation would be maintained. The nature of work was execution of track maintenance works anywhere within Khurda Road Division. In clause (e) it was mentioned that the applicants should be between 18 and 33 years of age as on 1.6.1996 relaxable upto 5 years for SC/ST and 3 years for OBC, and the minimum educational qualification is Class V pass. In clause (i) it was mentioned that retrenched casual labourers can also apply and must also furnish copy of the previous casual labour card in support of the claim. The petitioners state that these two requirements regarding age between 18 and 33 years and qualification of Class V pass effectively rule out a large number including the present petitioners from consideration. The petitioners have been waiting for last 14 years for consideration of their case and because of these two conditions their cases are not going to be considered at all. It is further stated that even though they applied in 1993 their cases were not taken into consideration at all. In view of this, the applicants in the O.A. have prayed that Clauses (e) and (f) of the notice dated 28.5.1996 at Annexure-7 regarding maximum age and

educational qualification should be declared ultravires. The respondents should be directed to intimate the petitioners the result of their applications submitted in the year 1993 for engagement as casual labourers against 255 vacancies and for a direction to the respondents to consider the case of the applicants for engagement as casual labourers on the priority basis. The last prayer is for a direction to the respondents not to give any appointment in pursuance of the notice dated 28.5.1996 at Annexure-7.

2.1 The respondents in their counter have submitted that these petitioners on their own admissions had last worked with the Railways in 1972-73 and after a gap of 24 years their cases cannot be considered. The respondents have further stated that taking into consideration the difficulties of the casual labourers a seniority list has been maintained and this is at Annexure-6/2 filed by the petitioners themselves along with their O.A. The respondents have submitted that out of this list at Annexure-6/2 most of the persons have been already regularised in service except 35 persons who are waiting for their turn for regularisation subject to availability of vacancies. The names of the applicants are not in this list. The respondents have also stated that the so called seniority list at Annexure-1 is not a list prepared by the Railway administration but by the applicants themselves. The respondents have further submitted that out of these 101

applicants, 14 applicants have not turned up for work after their disengagement in 1971. In 1979 P.W.I., Sompeta, made a temporary labour requisition but none of these applicants turned up for re-engagement in 1979. It is further submitted that even in Annexure-1/1 prepared, according to the respondents, by the applicants, the name of applicant no.11 is not there. These applicants working under Sompeta Unit were discharged prior to 1971. Except applicant no.17 none has been engaged after 1971. Applicant no.17 also did not appear in the screening test conducted in 1979. The list at Annexure-1/1 relates to Rambha Unit and in that list applicant nos.40,41,42,43 and 47 are not there. On verification of records by the respondents it has been found that they were never engaged in Rambha Unit as casual labourers. In 1986 a temporary labour requisition was made from amongst the retrenched casual labourers for monsoon patrolling duty under Rambha Unit, but none of these applicants appeared before the concerned P.W.I. Regarding applicant nos.21 and 28, the respondents have also made averments about the genuineness of their claim. As regards the applicants who have stated they had worked at Kaluparagh and Balugaon, on verification of the temporary gangmen register available with P.W.I, Kaluparagh, it was seen that the name of none of the applicants finds place in

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the said register. These applicants have also not submitted their casual labour service card in support of their having worked as casual labourers under the Railways at any point of time. It is also admitted by the applicants that these casual labourers never presented themselves for engagement after 1979. A seniority list of casual workers was prepared and in Annexure-3 a last chance was given to those retrenched casual labourers who might have been overlooked. But these applicants did not avail of that opportunity and their names do not find place in the seniority list at Annexure-6/2. The Railway Board had also directed preparation of casual labour register relating to persons who had worked prior to 1.1.1981. In the list so prepared, the names of the applicants do not find place. On 2.3.1987 and 4.3.1987 the Railway Board had directed for preparation of live casual register for persons who have been engaged after 1.1.1981 onwards and the last date of receipt of applications was on 31.3.1983, but none of these petitioners made any application prior to 31.3.1987. In view of the above, the respondents have stated that the applicants cannot have any claim or right for regularisation or re-engagement as retrenched casual labourers. The respondents have denied that the Railway authorities received any representation from the applicants at any point of time. As regards the letter issued by Senior Divisional

Engineer at Annexure-6 it has been stated that issuing of such a letter was beyond the competence of the Senior Divisional Engineer and as there was no sanction for those 255 posts no further action was taken in pursuance of Annexure-6. The respondents have stated that in each monsoon season the Railways engaged casual labourers for specified period upto 31.10.1996, i.e., the end of rainy season to guard the tracks and according under Annexure-7 notice was issued for that year. It was mentioned in the notice that retrenched casual labourers should be given preference over outsiders. On the question of age relaxation it has been mentioned that the job is strenuous in nature and physical fitness is a necessary requirement and because of this, the age limit of 18 to 33 years has been kept. But so far as the retrenched casual labourer is concerned, it has been decided to give weightage of one year for each completed year of service as casual labourer to be added to upper age limit of 33 years. It is further submitted that engagement of casual labourers for monsoon track patrolling is an urgent nature of seasonal work and no permanent absorption even as casual labourer is possible because the requirement of work is for a specified period of 119 days or upto 31.10.1996 whichever is earlier. On the above grounds, the respondents have opposed the prayers of the applicants.

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3. In O.A.No.439/96, which has been argued in detail, the fifty-five applicants have prayed for a direction to the respondents to sympathetically consider the case of the applicants for their temporary absorption as casual labourers pursuant to the notice dated 28.5.1996 and for a further direction to temporarily absorb the applicants as casual labourers by relaxing the age limit. According to the applicants, they have rendered service under the Railways as casual workers indifferent spells from 1973. Most of them have worked in 1973-74 or from 1973 to 1978. Only one applicant has worked subsequently from July 1985 to October 1985 and another one in the rainy season of 1985 and again in 1988. Their period of engagement and the numbers allotted to them in the Service Books are at Annexure-1. Their case is that their services have been retrenched and as retrenched workers they are entitled to be considered for re-engagement as and when there is need for engagement of casual labourers. Some of the petitioners have in the meantime become age-barred but they have physical strength to do manual work. The Divisional Railway Manager has published a notice dated 28.5.1996 inviting applications from fresh faces for engagement as casual labour on daily rate of wages in Engineering Department of Khurda Road Division. The engagement is for 119 days or upto 31.10.1996 and in the said notice it has been mentioned that age limit

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is between 18 and 33 years relaxable upto 5 years for SC/ST and 3 years for OBC. Because of this age limit some of the petitioners have become automatically ineligible even though they are retrenched candidates. They have stated that in other cases casual labourers who have crossed the upper age limit have been engaged and call letters have been issued to them and therefore, in their case the insisting of the upper age limit is discriminatory. At Annexure-3 they have given the call letter issued to one Babaji Samal who has been called for interview on 27.6.1996. The petitioners state that his date of birth is 12.3.1948 and he has worked as casual labourer from 20.5.1973 to 12.9.1974. Thus he has been called even though he has crossed the upper age limit by several years. The applicants further state that the work involved is manual work and they have prior experience. In view of this they have come up with the aforesaid prayer.

3.1 The respondents in their counter have stated that the applicants have worked in 1973-74 and have not been engaged thereafter and their cases cannot be considered after a lapse of more than two decades. It is also stated that the applicants besides indicating their dates of last engagement have not produced any record in support of their claim that they were working as casual labourers at any point of time. It is also submitted by the respondents that

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at various points of time after 1981 the issue of re-engagement of casual labourers was agitated before different courts including the Hon'ble Supreme Court and as per the direction of the Hon'ble Supreme Court, the Railway administration time and again have extended opportunities to the retrenched casual labourers to be re-engaged, but these applicants had never come up earlier. In this connection, the respondents have enclosed copy of the Railway Board's circular dated 16.3.1987 regarding maintenance of Live Casual Register for casual labourers working on 1.1.1981 and thereafter. It was mentioned in this circular that the last date of receipt of applications from them was 31.3.1987. Earlier in Railway Board's letter dated 2.3.1987 it was pointed out that pursuant to the direction given by the Hon'ble Supreme Court in their order dated 23.1.1987 in Writ Petition No.332 of 1986, all those project casual labourers who had worked as such before 1.1.1981 and who were discharged due to completion of work or for want of further work, may be considered on submission of written representations by them with adequate proof on or before 31.3.1987. It was stated that representations received after 31.3.1987 or representations without proof of prior engagement would not be considered. The respondents' case is that basing on these instructions, Khurda Road Division have already prepared a Live Casual Labour Register of casual

labourers and most of them have already been regularised leaving only 35 persons who are waiting for regularisation on availability of vacancies. The applicants are not included in the Live Casual Labour Register and therefore, their cases cannot be considered. The respondents have further stated that the job requirement in the notice dated 28.5.1996 is strenuous and that is why upper age limit of 33 years has been fixed. But the Railways have already decided that for retrenched casual labourers weightage of one year for each completed year of service should be added to the upper age limit. The respondents have further stated that the prayer of the applicants that their cases should be considered with sympathy should be rejected. No employer is expected to re-engage retrenched people after more than two decades of retrenchment. The respondents have categorically denied that all the applicants were working under Railway administration at any time. It is also stated that it is not possible to verify the genuineness of the claims of the applicants about their prior engagement after a long lapse of time. In view of this, the respondents have opposed the prayers of the applicants.

3.2 Before parting with the facts of this case, one further point will have to be noted. After hearing of this case was concluded, the learned counsel for the

petitioners filed a petition on 29.4.1998 in which it has been mentioned that Senior Divisional Personnel Officer, Khurda Road, in his order dated 13.4.1998 has published a list of 159 casual labourers who could not be engaged by 31.10.1996 out of 609 empanelled candidates for issuance of engagement order to them. Their places of engagement have also been furnished. The petitioners' case is that in this list of 159 candidates, the names of 14 of these applicants are included and this gives a lie to the averment of the respondents that they have never worked or they do not have the previous service record relating to their engagement.

4. As earlier noted, the two OAs, OA No.481/96 and OA 439/96 have been argued in detail. In view of this, the facts of other cases are not being referred to. One document filed by the petitioners in OA No.670/96 will have to be referred to. The prayers in OA No.670/96 are identical to the prayers in OA No.481/96 and the facts given by the petitioners are also the same. In the counter filed by the respondents they have opposed the prayers of the petitioners. In that case, after conclusion of the hearing, the learned lawyer for the petitioners has filed certain documents with copy to the learned Senior Counsel, Shri Ashok Mohanty appearing on behalf of the respondents, in which he has filed the service certificates of applicant nos.4,5,6 and 12 out of the 43 applicants in that case to

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show that these applicants have actually worked earlier under the Railways and similar documents are in existence in respect of other petitioners. Along with this, he has also filed papers showing that the persons who have been engaged by the departmental authorities as casual labourers in the year 1996-97 were given further appointment in the year 1997-98. This fact has some bearing on the submissions made by the learned counsels of both sides to which reference will be made at the appropriate place.

5. We have heard Shri D.R.Patnaik, the learned counsel appearing for the petitioners in OA no.481/96, Shri J.K.Misra, the learned counsel appearing for the petitioners in OA no.439/96, and Sri Ashok Mohanty, the learned Senior Counsel appearing on behalf of the respondents. The learned counsels appearing on behalf of the petitioners in other Original Applications have also been heard and they have adopted the arguments made by Shri D.R.Patnaik, the learned counsel appearing for the petitioners in OA No.481/96. We have also perused the records including the date-chart and written note of arguments filed in OA Nos.439 & 481/96.

6. The learned counsel for the petitioners has, in support of his contentions, referred to the decision of the Hon'ble Supreme Court in Dakshin Railway Employees Union, Trivandrum Division v. General Manager, Southern

Railway and others, AIR 1987 SC 1153. In that case, their Lordships of the Hon'ble Supreme Court noted that in the case of Indera Pal Yadav v. Union of India, (1985) 2 SCC 648, the Hon'ble Supreme Court gave certain directions modifying a scheme prepared by the Railway Administration for the purpose of absorbing retrenched Railway Casual Labour. Incorporating the directions of the Hon'ble Supreme Court, the Railway Board issued a circular to the General Managers of all Indian Railways, for conferring temporary status on project casual labourers who had completed 360 days of continuous employment. It was mentioned that these orders would cover project casual labourers who were in service as on 1.1.1981. In Dakshin Railway Employees Union's case (supra) the petitioners before the Hon'ble Supreme Court claimed that they are entitled to the benefits of the modified Scheme and they should be taken back in employment. The Railway Administration took the stand that 84 amongst the petitioners were entitled to the benefits of the Scheme as they were in employment on 1.1.1981 and the remaining 65 were not entitled to the benefits as they were not in service on 1.1.1981. The Hon'ble Supreme Court took note of the fact that this Scheme also sought to cover project casual labourers who though not in service on 1.1.1981 had been in service in Railways earlier and had already completed 360 days of continuous employment or have since

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completed the same or will complete the required period on re-engagement after 1.1.1981. In view of this, the Hon'ble Supreme Court issued a direction to the respondents to include the petitioners in the Scheme for absorption. In that case, the learned counsel for the Railway Administration brought to the notice of the Hon'ble Supreme Court the difficulty which would be experienced by Railway Administration if without any limitation persons claiming to have been employed as casual labour prior to January 1, 1981 keep coming forward to claim the benefits of the scheme. Considering the difficulties of the Railway Administration, the Hon'ble Supreme Court directed that all persons who desired to claim the benefits of the scheme on the ground that they have been retrenched before 1.1.1981, should submit their claims to the Administration before 31.1.1987. It is submitted by the learned counsel for the petitioners that the petitioners have been vigilant about their claim and have been representing from 1984 onwards, but no steps have been taken by the Railway Administration to enrol their names in the Live Casual Register. The learned lawyer for the petitioners has further stated that the stand of the respondents that the applicants have come to the Court at a belated stage cannot be accepted in view of the fact that they have all along been agitating their claims. It is also submitted that the applicants are workmen and under Section,

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25-H of the Industrial Disputes Act, 1947, the retrenched candidates have a right to be considered for re-engagement in preference to fresh candidates. In support of this, the learned lawyer for the petitioners has relied on the case of Ghaziabad Development Authority and others v. Sri Vikram Chaudhary and others, AIR 1995 SC 2325, wherein it was laid down that while retrenching casual workers the principle of last come first go should be followed and in the event of need for re-employment preference should be given to such displaced employees. Learned lawyer for the petitioners has submitted that the prayer of the petitioners is not for regularisation but for re-engagement against the need projected in the notice dated 28.5.1996 and as retrenched casual labourers they have a right to be considered. While considering the case of such retrenched casual labourers, if the age limit and educational qualification are insisted upon, then the consideration would be meaningless and therefore, for meaningful consideration of the case of these retrenched casual labourers, relaxation of age and educational qualification should be allowed. It has been further indicated by the learned counsel for the petitioners that in OA No.439/96 in order dated 16.8.1996 the Tribunal had directed that all the 55 petitioners in that O.A. should be considered along with others and the criteria of educational qualification and age

shall stand relaxed in their favour. This order was followed in OA No.481/96 and in order dated 16.8.1996 passed therein these two qualifications have been waived by way of interim measure. It is submitted by the learned lawyer for the petitioners that in view of this, these two qualifications should be waived. Secondly, it has been submitted by the learned lawyer for the petitioners in OA No.481/96 that the applicants have given sufficient details of their prior engagement under the Railways in their Original Application and the original documents are with them. If they are given an opportunity, they would produce these documents before the Railway authorities for establishing their claim that they are indeed retrenched casual labourers of the Railways and on that basis, their case for re-engagement should be considered. The third submission made by the learned lawyer for the petitioners is that even if it is accepted for argument's sake that currently there is no scope for re-engagement of the applicants, on the basis of their past service records and on the basis of the fact that they are retrenched casual labourers, their names should be included in the Live Casual Labour Register so that their cases would be considered automatically when in future scope arises for engagement of casual labourers and they will not have to come to Court for enforcing their right.

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7. The learned counsel appearing for the petitioners in OA No.439/96 has submitted that regularisation is a continuous process and the departmental circulars have taken into account the judicial pronouncements which have been made in this regard from time to time. It is further submitted that the circular dated 23.2.1990 which has been extracted by the Tribunal in their interim order dated 16.8.1996 in OA No. 439/96 deals with preparation of Live Casual Labour Register and from this it is clear that it has to be maintained and brought up-to-date from time to time. This also shows that preparation of Live Casual Register or Live Casual Labour Register, as it is sometimes called, is a continuous process. It is further stated that after the interim order dated 16.8.1996 was passed directing that the fifty-five applicants should be considered along with others after relaxing the educational qualification and age criterion, C.P.No.66/96 was filed by 11 of these petitioners. Call letters were issued to fourteen persons fixing the date on 9.10.1996. Medical test was fixed to 25.10.1996 but no notice was issued to these applicants. The applicants thereupon filed MA No.12/97 on 6.1.1997 praying for a direction to the respondents to extend the period of medical test and to hold fresh medical test for the 14 applicants out of the 55 applicants in this O.A. Subsequently MA No.13/97 was filed by another 29

applicants in which they prayed that the respondents should be directed to re-engage the petitioners immediately pending disposal of this Misc.Application. No orders have been passed on these two Misc.Applications and these have been kept pending to be considered along with the O.A. Earlier on 28.6.1996 MA No.459/96 was filed by these petitioners, in which they had prayed for staying appointment of casual labourers or to keep 55 posts vacant till the final disposal of this matter. MA No.459/96 was disposed of in order dated 5.7.1996 in which the Divisional Railway Manager, S.E.Railway was directed to keep 55 posts vacant out of 907 posts indicated in the notice dated 28.5.1996. It has been stated by the learned counsel for the petitioners that their prayer is only for consideration of their case for engagement and also for putting their names in the Live Casual Register. It is further submitted that for entering the name of a person in the Live Casual Register there is no cut-off date and it is a continuous process. In view of this, the learned counsel for the petitioners in OA No.439/96 has prayed for engagement of the petitioners after relaxing the educational qualification and age limit and for putting their names in the Live Casual Register.

8. As earlier mentioned, the counsels for the petitioners in the other 12 cases have adopted the submissions made by the learned counsel for the petitioners

in OA No.481/96 and it is, therefore, not necessary to refer to their submissions separately. In OA 481/96 the learned counsels of both sides have filed written submissions and date-charts which have been taken note of and we have also perused the records.

9. For the purpose of considering the rival submissions of the learned counsels of both sides, it would be convenient if these are taken up in the context of the different prayers made by the applicants in OA No. 481/96. The first prayer of the applicants is for a declaration that clauses (e) and (f) of the notice dated 28.5.1996 fixing the minimum educational qualification as Class V pass and the age requirement as between 18 and 33 years relaxable upto 5 years for SC/ST and 3 years for OBC should be quashed. In support of his contention, it has been submitted by the learned lawyer for the petitioners that in the notice itself in clause (i) it has been mentioned that retrenched casual labour can also apply and must submit copy of previous casual labour card in support of the claim. It has been submitted that if these two qualifications are insisted upon, a large number of retrenched casual labourers including the applicants would be debarred at the threshold as many of them have crossed the upper age limit and also do not have the minimum educational qualification. It is submitted that at the time of their past engagement under

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the Railways, the minimum educational qualification was not insisted upon and that is how they were engaged and rendered service as casual labourers under the Railways. It is further submitted that the notice dated 28.5.1996 is for engagement of fresh face casual labourers in the Engineering Department of Khurda Road Division from open market and the age limit and educational qualification are primarily meant for open market fresh candidates who have not earlier worked under the Railways. But the petitioners are retrenched casual labourers and they are a class by themselves and if the same requirements regarding age and educational qualification are insisted upon, then the offer to such retrenched casual labourers to apply in respect of the vacancies notified would become meaningless. There is some force in this argument. But at the same time it has to be noted that in these cases the applicants have worked in 1960's and 1970's and some in mid-1980's and they have come after several decades. They cannot claim that irrespective of their age, they should be taken in as casual labourers on the ground of their being retrenched casual labourers without any consideration of their age. We note from the counter of the Railways that they have already decided that retrenched casual labourers will be given age concession over and above 33 years and 38 years for SC/ST and 36 years for OBC by one year for each completed year of service under the Railways during their previous engagement. This is a

reasonable approach and ordinarily, beyond this, the Courts and Tribunal should not relax the age qualification. It is further submitted by the learned lawyer for the petitioners that the Tribunal in their interim order dated 16.8.1996 have already relaxed the age and educational qualification without any limit and as against this interim order the respondents have not gone on appeal and hence this interim order will hold the field. We are unable to accept this submission because it is well settled position of law that in an interim order passed during the pendency of the O.A. will abide by the final decision of the O.A. It, therefore, cannot be said that the interim order dated 16.8.1996 relaxing the age and educational qualification would have the effect that this prayer would be deemed to have been decided finally. Moreover, it has been submitted by the learned Senior Counsel appearing on behalf of the respondents that in the case of J.Ranga Swamy v. Government of Andhra Pradesh and others, Supreme Court Service Rulings, Volume 3, page 363, it has been held by their Lordships of the Hon'ble Supreme Court that "It is not for the Court to consider the relevance of qualifications prescribed for various posts". Further it has been submitted by the learned Senior Counsel appearing on behalf of the respondents that in the case of U.P. Public Service Commission v. Alpana, Supreme Court Service Rulings, Vol.9, 32, it has been held

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that a person who did not possess the prescribed qualification is not entitled to appointment. It is for the appointing authority to fix the minimum qualification for any post advertised. In the case of Ramesh Prasad Singh v. State of Bihar and others, Supreme Court Service Rulings, Vol.13, page 365, it has been held by their Lordships of the Hon'ble Supreme Court that qualifications for a post can be validly laid down in the same executive order creating the service or post in the absence of rules. In this case, in the notice dated 28.5.1996 while calling for applications, the departmental authorities have laid down the above two qualifications and according to the above decision of the Hon'ble Supreme Court, the respondents were legally empowered to fix qualifications for the post. Moreover, from the counter of the respondents it is found that for the retrenched casual labourers they have already decided to relax the upper age limit by one year for each completed year of previous service under the Railways. It would have been better if this would have been mentioned in the notice itself. Because some of the retrenched casual labourers might not have applied in response to the notice for the upper age limit. With the relaxation now given by the respondents administratively, some of them would have come within the age limit. It is also to be noted that as per the counter of the respondents the work involves strenuous duty as it relates to maintenance and checking of the Railway

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tracks during the monsoon season. In view of this, it cannot be said that age relaxation should be done away with altogether. In view of the above circumstances, we hold that it is not within the power of the Tribunal to direct relaxation of the qualification and secondly no further age relaxation beyond what has been already given by the respondents as per their counter and as noted earlier is called for in the present case. This prayer is accordingly disposed of.

10. As regards the educational qualification, from the counter of the respondents it does not appear that there is any relaxation for the retrenched casual labourers so far as the educational qualification is concerned. But the applicants claim that they have earlier worked as casual labourers under the Railways even though it was many years ago in respect of some of the applicants. In respect of some others, it was sometimes in mid-1980's. Obviously at the time of their earlier engagement minimum educational qualification of Class V pass was not insisted upon. The respondents in their counter to OA No. 481/96 have mentioned that a seniority list of casual workers was prepared and in Annexure-3 dated 16.11.1989 a last chance was given to such casual workers for producing their proper identification and screening. From this it appears that such

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casual workers who came up in response to the notice dated 16.11.1989 at Annexure-3 to OA No.481/96 were considered for their inclusion in the Live Casual Labour Register. Obviously in their case also the minimum educational qualification of Class V was not insisted upon. In view of this, it will be reasonable to hold that in case of the applicants the minimum educational qualification should be the same which was in force when they were initially engaged as casual workers. In case at that time a minimum educational qualification was there and some persons were engaged as casual workers even without that minimum educational qualification, then they would not have any case for relaxing the educational qualification. In other words, for re-engagement of casual workers, the educational qualification would be taken as the one which was in force at the time of their initial engagement. Otherwise the arrangement for re-engagement of casual workers would become pointless.

11. The next prayer of the applicants in OA No. 481/96 is for a direction to the respondents to communicate the decision on the applications submitted by them in 1993 in response to the notice dated 6.5.1993 at Annexure-6 of OA No.481/96. The respondents in their counter have pointed out that issuing of such a letter as at Annexure-6 was

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beyond the competence of Senior Divisional Engineer and as there was no sanction for 255 posts, no further action was taken in pursuance of the letter at Annexure-6 of OA No. 481/96. In view of this, it is clear that no further action was taken with regard to the applications made by the petitioners and therefore, this prayer for a direction to the respondents to declare the fate of their applications is without any merit and is rejected.

12. The last and important prayer of the applicants is that the respondents should be directed to consider the case of the applicants for engagement as casual labourers on priority basis. In this batch of cases a large number of casual workers have come up who have worked as casual labourers in the Railways in 1970's and 1980's and some of them have come up after more than twenty-five years. The respondents have pointed out that it would be impossible to verify the documents produced by them after a passage of more than two decades. The difficulty of the Railways in this matter has been taken note of by the Hon'ble Supreme Court in Dakshin Railway Employees Union's case (supra). There the Hon'ble Supreme Court held that all persons who desire to claim the benefit of the Scheme on the ground that they have been retrenched prior to 1.1.1981 should submit their claims

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before the Railway Administration before 31.1.1987. The applicants have claimed that they have been representing their case in the year 1983 and even earlier. In view of this, this prayer is disposed of with a direction to the respondents that amongst the applicants those who have filed their representations for being absorbed as casual labourers once again prior to 31.1.1987 should be considered, their service records should be verified, and their names should be included in the Live Casual Labour Register.

13.

The prayer made in OA No.439/96 is for a direction to the respondents to consider the case of the applicants for their absorption as casual labourers pursuant to the notice dated 28.5.1996 by relaxing the upper age limit. In this OA the applicants have not asked for relaxation of educational qualification. But in any case the direction given by us with regard to educational qualification will govern this case also and our direction and observation in OA No.481/96 with regard to relaxation of age and consideration of the applicants will also govern this case.

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14.

As earlier noted, the reliefs claimed in OA No.670/96 are identical to reliefs claimed in OA No. 481/96 and these are disposed of in terms of our orders on OA No. 481/96.

15. The other Original Applications heard along with OAs 439, 481 and 670 of 1996 where identical prayers have been made are also disposed of in terms of our above observation and direction.

16. One last point has to be mentioned. It has been submitted by the learned counsel appearing for the respondents that the notice dated 28.5.1996 at Annexure-7 of OA No.481/96 is for the purpose of engagement of casual labourers for a period of 119 days or upto 31.10.1996 whichever is earlier and retrenchment will be made without any further notice. It has been submitted that as this period is long over these applications have become infructuous. The learned counsel for the petitioners Shri D.R.Patnaik has submitted that those who are engaged in pursuance of notice at Annexure-7 have been continued in the subsequent years. From the pleadings of the parties it appears that this engagement is for the purpose of monsoon patrolling when casual workers are engaged for track maintenance and checking. In view of this, it is ordered that at the time of engagement of casual labourers in the next season the cases of the applicants should be considered in terms of our observations and directions given in this order.

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17. In the result, therefore, all the fifteen Original Applications are disposed of in terms of the observations and directions given in the foregoing paragraphs of this order. No order as to costs.

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Sd/- S. K. Agarwal
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Sd/- Sonnalli Son
Vice-Chairman