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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 571 OF 1998.

Cuttack, this the 30th of September, 1999.

Braja Alias Brajabandhu Rana. ... Applicant.

- VERSUS -

Union of India & 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 Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE- CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO.571 OF 1998.

Cuttack, this the 30th day of September,1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

..

Braja Alias Brajabandhu Rana,
Vill.Mahattapala, Po.Anda,
Via.Bajpur, Ps.Khurda, Dist.Khurda. ... APPLICANT.

By legal Practitioner : M/s.U.N.Mishra, S.Jenamani, B.K.Rana,
Advocates.

-VERSUS-

1. Union of India, represented through
the General Manager, South Eastern
Railway, Garden Reach, Calcutta-46,
West Bengal.
2. Divisional Railway Manager, S. E. Rly,
Khurda Road Division, At/Po.Jatni,
Dist.Khurda.
3. Senior Personal Officer(Welfare),
S. E. Railway, At/Po.Jatni, Dist.Khurda.
4. Divisional Personal Officer, SE Rly.,
Khurda Road Division, At/Po.Jatni,
Dist.Khurda. ...

RESPONDENTS.

By legal Practitioner :Mr.S.R.Patnaik, Additional Standing
Counsel (Railways).

....

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed that the observation of the Tribunal with regard to his engagement under the Respondents in the order dt. 24.4.1992 disposing of the Original Application No. 383 of 1987, should be carried out.

2. Applicant's case is that he had worked under the Railways from 1965 to 1968 as Khalasi. In support of which, he has submitted two certificates, at Annexures-1 & 2. As he was not provided with any work by the Respondents, after 1968, he came before this Tribunal in Original Application No. 383 of 1987 which was disposed of in order dated 24.4.92. According to applicant, the Tribunal rejected the prayer for regularisation but was inclined to direct the Respondents to provide the applicant before them with employment. But in spite of the observation of the Tribunal, no employment has been provided to the applicant and that his how, he has come up in this Original Application, with the prayer referred to earlier.

3. Respondents in their counter, have stated that the applicant had worked for a period of four months only as a casual worker in 1965 to 1968 and after that he had not got any engagement under the Respondents. It has also been submitted in their counter that the prayer of the applicant in his earlier Original Application for regularisation, has been rejected by this Tribunal and the Tribunal merely directed that as and when work is available, the applicants before them in earlier case, which apparently

includes the present applicant before us, should be engaged as casual worker during the Mansoon period as also in the Construction Division and Bridge line and after the applicant has completed the requisite period of service, as casual worker, they should be considered for regularisation. But after delivery of this order, in April, 1992, no vacancy in the rank of Casual worker has come up according to the Respondents. It is also submitted that the Mansoon petrolling work is being done by the regular gangman and casual workers are not being appointed. In view of this, Respondents have opposed the prayer of applicant.

4. When the matter came up for hearing, learned Counsel for the Applicant Mr. U. N. Mishra and his associates were absent nor was any request made on their behalf seeking adjournment. We have, therefore, heard Mr. S. R. Patnaik, learned Additional Standing Counsel (Railways) appearing for the Respondents and have also perused the records.

5. According to Respondents, applicant had worked under the Respondents as casual worker for four months in 1965 to 1968. According to applicant, himself, he was engaged as casual worker from 1965 to 1968. Therefore, admittedly from 1968, applicant had not been engaged by the Respondents. It is on the basis of his engagement under the Respondents prior to 1968, he has come up in this petition after 30 years. The order of the Tribunal was delivered in OA No. 383 of 1997 on 24.4.1992 and in case the Respondents did not comply with the above order and provide the applicant with engagement, the applicant should have approached the Tribunal within the period of limitation but he has approached the Tribunal six

years later and therefore, it can not be said that he has approached the Tribunal with reasonable despatch. It is also to be noted that the Tribunal in their earlier order merely suggested that the railway should consider the re-engagement of applicant when work is available. Respondents have stated in their counter that fresh engagement of casual workers have not come up after that date. In view of this, it can not be said that the applicant's case has not been considered. In consideration of this, we hold that the applicant has not been able to make out a case for the relief claimed by him in this Original Application.

6. In the result, the original Application is dismissed. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
30.9.99

KNM/CM.