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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.598 OF 1999
Cuttack this the 18th day of December/02

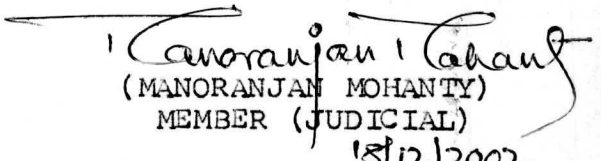
Pathani Charan Bala & Ors. ... Applicants

-VERSUS-

Union of India & Others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? Yes


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

18/12/2002

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.598 OF 1999
Cuttack this the 18th day of December/2002

CORAM:

THE HON'BLE SHRI MANORANJAN MOHANTY, MEMBER (JUDICIAL)

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1. Pathani Charan Bala, S/o. late Bimbadhar Bala, At-Nanput, PO-Retang, Dist-Khurda
2. Behari, S/o. Udayanath, At-Kumudal, PO-Motari, Dist-Puri
3. Bisunia, S/o. Kumar, At/PO-Motari, District-Puri
4. Mahendra, S/o. Padma, At-Jagadalpur, PO-Delang, Dist-Puri
5. Purna, S/o. Nakula, Kumudal, PO-Motari, District-Puri
6. Parsu, S/o. Jhajo, At-Batala, PO-Motari, District-Puri
7. Laxmidhar, S/o. Natabar, At/PO-Motari, District-Puri
8. Prafulla, S/o. Bhaskar, At-Midugal, PO-Namara, District-Puri
9. Rama, S/o. Radhashyam, Kalupada, Motari, District-Puri
10. Narahari, S/o. Hata, At-Midugal, PO-Namara, District-Puri
11. Prahallad, S/o. Kashi, of Midugal, PO-Namara, District-Puri
12. B.Jaya, S/o. Kunja, At-Kendrapati, PO-Namara, District-Puri
13. Hari, S/o. Masi, At-Meteipur, PO-Bantagram, Dist-Puri
14. Upendra, S/o. Gourang of Balikandala, PO-Bhairpur, District-Puri
15. Debaraj, S/o. Gokula, At/PO-Kudiary, District-Khurda
16. Khetramohan, S/o. Jambeswar, At-Cheinpur, PO-Motari, Dist-Puri
17. Bibhuti, S/o. Bhikari, At-Ankoi, PO-Motari, Dist-Puri
18. Sidheswar, S/o. Jayee, At-Kendra, PO-Namara, Dist-Puri
19. Sarata, S/o. Narasingha, At-Panchapali, PO-Retang, Dist-Khurda
20. Trilochan, S/o. Natabar, At-Sauria, Birtung, Dist-Puri
21. Alekha, S/o. Bhagabata, At-Juinty, PO-Kahala, Dist-Puri
22. Raghu, S/o. Sunakar, At-Saripur, PO-Udayapur, Dist-Puri
23. Babu, S/o. Karuna, At-Ratanpur, PO-Udayapur, Dist-Puri

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24. Siba, S/o. Kashi, PO-Berobai, Delanga, Dist-Puri
25. Padma, S/o. Raja, At-Danpur, PO-Beroboi, Dist-Puri
26. Manoja, S/o. Madan, PO-Motari, Kalupada, District-Puri
27. Laxmi, S/o. Sana, Gadakalupada, PO-Motari, Dist-Puri
28. Arjuna, S/o. Banchha, Ratanpur, PO-Delang, Dist-Puri
29. Dama, S/o. Gobinda, At/PO-Motari, Dist-Puri
30. Dilipa, S/o. Dasharathi, At-Panchapalli, Retang, Dist-Khurda
31. Prahallad, S/o. Banambar, At-Panchapalli, Retang, Dist-Puri
32. Gopinath, S/o. Manguli, At-Padanpur, PO-Bhimpur, Dist-Khurda
33. Dash, S/o. Shankar, At-Rathipur, PO-Kantia, Dist-Khurda
34. Benudhar, S/o. Sikhar, At-Rathipur, PO-Kantia, Dist-Khurda
35. Bisia, S/o. Manguli, At-Padampur, PO-Bhimpur, Dist-Khurda
36. Baishnamba, S/o. Maheswar, At/PO-Belagachhaia, Dist-Cuttack
37. Idrishi, S/o. M.A.Baig, At-Baulapada, PO-Palasahi, Dist-Puri
38. Pradeep, S/o. Bali, At-Ankoi, PO-Motari, Dist-Puri
39. Banamali, S/o. Somanath, At/PO-Delang, Dist-Puri
40. Nata, S/o. Maunji, At/PO-Jatni, Dist-Khurda
41. Baidhar, S/o. Ananda, At-Padanpur, PO-Bhimpur, Dist-Khurda
42. Rama, S/o. Raghu, At-Damadarpur, PO-Retang, Dist-Khurda
43. Basanta, S/o. Ranka, At/PO-Begunia, Dist-Khurda
44. Kailash, S/o. Maga, At-Deulabasta, PO-Angul, Dist-Khurda
45. Santosh, S/o. Ghana, At-Turintira, PO-Balipatna, Dist-Khurda
46. Chitrabandhu, S/o. Bhaskar, At-Olasingh, PO-Dabaladhua, Dist-Khurda
47. Bhobani, S/o. Bhamar, At/PO-Natim, Dist-Nayagarh.

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Applicants

By the Advocates

Mr. D.P. Dhalasamant

- VERSUS -

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1. Union of India represented through
General Manager, South Eastern Railway,
Garden Reach, Calcutta-43
2. Divisional Railway Manager,
S.E. Railway, Khurda Road, Dist. Khurda

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By the Advocates

Respondents

Mr. P. K. Mishra
Mr. Manoj Kr. Pati
Mr. Ashok Mohanty

O R D E R

SHRI MANORANJAN MOHANTY, MEMBER (JUDICIAL): Applicants, 47 in number, have filed this Original Application, under Section 19 of the Administrative Tribunals Act, 1985, claiming to include their names in the Live Casual Register of the Railways; for they were serving the Railways at different point of time prior to 1.1.1989. The grievances of similarly placed Casual Labourers under the Railways (those who were engaged prior to 1.1.1989) were the subject matter of challenge before the Hon'ble Supreme Court and under the direction of the Hon'ble Supreme Court, time till 31.3.1987 was fixed requiring such casual labourers to represent to the authorities in the Railways for inclusion of their names in the Live Casual Register. Apparently, the applicants did not apply for inclusion of their names in the Live Casual Register by 31.3.1987; and that is why their cases have been ignored.

2. It has been disclosed in the counter that after the direction of the Hon'ble Supreme Court, the Railway Board issued various circulars, viz., Establish Srl. No.58/87 dated 20.3.1987, containing the letter No.P/R/CL-Policy/Pt.IV dated 20.3.1987 and No.E(NG)IL-84/CL/41

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dated 2.3.1987 and No.EN(NG)-II-78/2 dated 4.3.1987, requiring the casual employees, engaged prior to 1.1.1989 to make applications before 31.3.1987, and that is why the Respondents, in this case, have raised a question of limitation, in so far as the present Original Application being filed on 3.12.1999 is concerned.

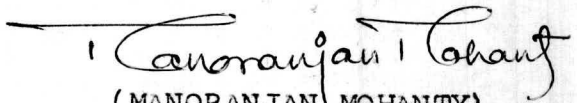
3. On perusal of the pleadings of the parties, it is seen that following to the directives of the Hon'ble Supreme Court, the Railway Board and the other authorities in the Railways issued circulars on 20.3.1987, requiring the casual labourers engaged prior to 1.1.1989 (01.01.1989) by 31.3.1987, to make applications/for inclusion of their names in the Live Casual Register. This shows that inadequate time was given to make such applications. That apart, the notifications, were not given wide publicity at the relevant time; which might have sufficiently prevented the cases of many persons/casual labourers like those of the Applicants, because many of them are rustic persons, coming from lower strata of the society, could not have come to know about this notification in order to make applications for inclusion of their names in the Live Casual Register.

4. In the aforesaid premises, liberty is hereby granted to each of the present Applicants to make representation independently, by giving out full details/particulars to their authorities in the Railways, and I am sure the authorities shall examine each case of the present applicants and grant them necessary relief, (i.e., inclusion of their names in the Live Casual Register)

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within a period of four months from the date of receipt of copies of this order, and while doing so, the Respondents should bear in mind that where injustice is glaring, the hyper technical question of limitation should not stand in the way for dispensation of justice.

With the aforestated observation and direction, this Original Application is allowed; leaving the parties to bear their own costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 18/12/2012

Bjy/