

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.OA 1418 of 1996

Date of order : 8.12.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member

Hon'ble Mr.M.K.Mishra, Administrative Member

PARESH CH. ROY

VS

UNION OF INDIA & ORS.

For the applicant : ~~Mr.~~ A.Chakraborty, counsel

For the respondents: Mr.R.M.Roychoudhury, counsel

O R D E R (ORAL)

Mukesh Kumar Gupta, J.M.

Heard both sides. In the present application the applicant seeks direction to respondents No.3 & 4 to screen ~~them~~ and consequently absorb ~~them~~ in the regular vacancy of Group 'D' category for the year 1983 to 1993. In the application it is contended that the applicant acquired temporary status and ~~was~~ found in the Live Casual Register and therefore their service could not have been discontinued without observing principles of natural justice as well as Article 311 of the Constitution of India and without following Section 25(F) of the Industrial Dispute Act, 1947. The policy of hire and fire was not justified and the applicants were entitled to be absorbed in the Group 'D' posts.

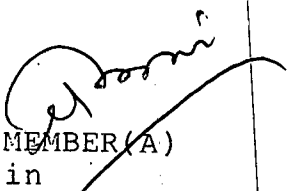
2. The respondents by filing their reply contested the applicants' claim and stated that the applicants ~~has~~ claimed to ~~have~~ been engaged in or around 1978 and worked upto January 1990. Three screening tests were held in 1978, 1981 and 1990 but the applicants' name were not forwarded before 1990 and as such ~~they~~ could not be considered. On merits it was contended that there was no provision for issuing 'work certificate' to the Railway employees and xerox-copies of the identity cards were not genuine one.

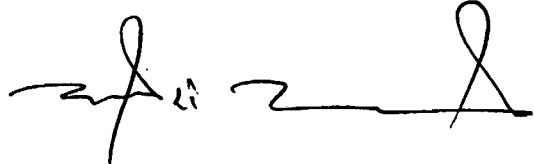
3. No rejoinder has been filed to the aforesaid contentions raised by the respondents. Mr.A.Chakraborty, ld.counsel appearing for the applicants states that the only

direction which the applicant seeks in the present case is that their names be included in the Live Casual Register.

4. We find that this is not the prayer made in para 8 of the present OA. Such being the case if the applicants have grievance for non-inclusion of their names in the Live Casual Register they will be at liberty to approach the appropriate authority by filing a fresh representation which the authorities will consider keeping in view the rules on the said subject. However, we have not gone into the contentions raised by the applicants in the present OA.

5. Accordingly the OA stands disposed of. No order as to costs.


MEMBER(A)
in


MEMBER(J)