

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 259 of 1996
O.A. 917 of 1998

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Hon'ble Mr. G. S. Maingi, Administrative Member.

NIRMAL BANERJEE & 9 ORS.

SURESH PRASAD & ORS.

... Applicants

Vs.

1. Union of India through the General Manager, Eastern Railway, Fairlie Place, Calcutta-700 001.
2. Chief Personnel Officer, Eastern Railway, Fairlie Place, Calcutta-700 001.
3. Divisional Railway Manager, Eastern Railway, Asansol Division, P.O. Asansol, Dist. Burdwan.
4. Divisional Personnel Officer, Eastern Railway, Asansol Division, P.O. Asansol, Dist. Burdwan.
5. Secretary, Durand (Vivekananda) Institute, Eastern Railway, P.O. Asansol, Dist. Burdwan.
6. Secretary, Eastern Railway, Subhas Institute, P.O. Asansol, Dist. Burdwan.

... Respondents

For the applicants : Mr. B. R. Das, counsel.

Mr. B. P. Manna, counsel.

For the respondents: Mr. R. N. Das, Sr. Counsel.

Mr. M. K. Bandopadhyay, counsel.

Heard on : 24.8.1999 & 25.8.1999. Order on : 06.9.99

ORDER

G. S. Maingi, A. M.

egm O.A. 259/1996 has been filed by Nirmal Banerjee and 9 others and O.A. 917 of 1998 has been filed by Suresh Prasad and 6 others.

Both these applications have been heard analogously and are being disposed of by this common order for the sake of convenience since they raise more or less similar facts, reliefs and points of law.

2. The applicants of O.A.259 of 1996 were appointed in different capacities under the respondents between December, 1970 and August, 1991, in the Subhas Institute at Asansol, except applicant no.10, Barun Kumar Roychowdhury, who has been employed in the Vivekananda Institute (Durand), Asansol. All the 7 applicants of O.A.917 of 1998 are working as General Assistant and Safaiwala in the Subhas Institute at Asansol. The applicants of O.A.917/1998 had been appointed between December, 1975 to August, 1991. By the letter dated 26th May, 1994, the Chief Personnel Officer, Eastern Railway, has informed all the Divisional Railway Managers as all the Chief Works Managers that in terms of Railway Board's letter dated 26.8.1977, quasi-Administrative staff who have worked at least for 5 years in the Railway Institute, Cooperative Societies, should be screened alongwith casual labour/substitutes and their names should be placed at the bottom of the screening list and they will be placed below all the casual labours/substitutes and will be posted against Group-D vacancies as a regular measure as and when the vacancies are available. (annexure 'A' to the application). As a follow-up action, the Divisional Railway Manager, Asansol, vide his letter dated 7.11.1994 (annexure 'C' to the application), called for submission of list of names of employees working in the various authorities of the Organisation. 5 employees who were quasi-administrative staff and agitated the issue before this Tribunal through O.A.1154 of 1995 had their case decided on 6.3.1997. By the order dated 6.3.1997 passed in O.A.1154 of 1995 which is found at annexure 'G' to the application, this Tribunal directed that the railway-respondents shall hold a screening of the applicants and take further steps on the basis of the observation made by the Bench at paragraph 4 of the order. At paragraph 4 of the order, this Tribunal had stated that the applicants of O.A.1154 of 1995 should also be screened along with the casual labour/substitutes of 1985 and if the

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applicants are successful in the screening, their names should appear at the bottom of the list of 1985. The respondents acted on the orders of this Tribunal after 10 months and conducted a screening test and appointment orders were issued in respect of the applicants. The Railway Board by its order dated 11.6.1997 modified its instructions (annexure 'R-1' to the reply in O.A.917/1998).

3. In both the O.A.s the grievance of the applicants' is quasi-administrative staff should be absorbed in Group-D vacancies after proper screening.

4. Heard Mr.B.R.Das leading Mr.B.P.Manna, for the applicants and Mr.R.N.Das, leading Mr. M.K.Bandopadhyay, for the respondents.

5. It has been submitted emphatically by the 1st.counsel for the applicants that the letter dated 26.5.1994 of the Chief Personnel Officer, Eastern Railway, contained 3 conditions and it was a pre-requisite for appearing in the screening test, that the applicants should have put in 5 years of service and if selected after screening, they would be placed below all the casual labours/ substitutes and would be posted against Group-D vacancies as a regular measure. Even as early as in March, 1985, the Secretary Railway Board, had categorically stated to the General Secretary, National Federation of Indian Railwaymen, New Delhi, that quasi-administrative staff would be eligible for regular appointment alongwith other casual labours/substitutes (annexure-8 to the application). The Railway Board appears to have been silent from 1985 to May, 1994, when it re-activated itself to conduct such screening test and selected the quasi-administrative staff. The Railway Board, after reviewing the matter, issued a letter dated 11.6.1997 (annexure 'R-1' to the reply in O.A.917/1998), stating that the staff working in quasi-administrative offices or organisations connected with the Railways, will henceforth have to compete alongwith other eligible candidates for recruitment to railway service as and when notifications for recruitment to posts in accordance with their qualifications are issued by the Railways or Railway Recruitment Boards and that such staff

would be entitled for age concession for such recruitment to the extent of 5 years of service rendered in such organisations, whichever is less, as contained in Board's letter dated 30.10.1973. This has narrowed down the relief for the quasi-administrative staff of the institutions although the matter was under active consideration of the Railway Board from 1977 onwards intermittently, but no serious effort has been made to accommodate the quasi-administrative staff. However, during the course of hearing on 24.8.1999 and 25.8.1999, the applicants had produced a letter of the Eastern Railway which is dated 22nd June, 1999, issued by the Divisional Railway Manager, Eastern Railway, Asansol. This letter is addressed to the General Secretary, Eastern Railway, Subhas Institute, Asansol, Vivekananda Institute, Asansol, and to 11 others. The subject of this letter is - Submission of names of employees in your organisation. It has called for the names of total number of employees working in the respective organisation as on 11.6.1997 alongwith their particulars within 5 days from the receipt of that communication. No light has been thrown by the respondents as to what has happened to this circular of the DRM Eastern Railway, Asansol.

6. We have carefully considered the matter. It is mentioned by the respondents in one of its reply that there are 50,000 casual labours to be regularised in the Railways. It appears that the Railway has been quite alive to the requirement of the quasi-administrative staff and regularisation of casual labours since 1977 and a number of employees have joined from December, 1970 onwards. The Railways has shown its anxiety to appoint them against regular Group-D vacancies, but somehow the matter has not progressed because of lack of enthusiasm at the level of the concerned divisional officers. The Railway is a very big organisation and it should set an example by treating its reputation as a model employer. There are certain employees who have already worked for 27 to 28 years under these Institutes and at this point of time they have nowhere to go. We feel that the Railways should show magnanimity and complete the process of screening, as per

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rules, of the quasi-administrative staff.

7. In view of the discussions made above, the respondents are directed to consider the case of the applicants in both the O.A.s and screen them alongwith the casual labour/substitutes and if the applicants are successful in such screening test, their names should be included in the list of the casual labour/substitutes. The entire exercise should be completed by the respondents within 3 months from the date of communication of this order.

8. Both the O.A.s stand disposed of. No order is made as to costs.

G.S. Masingi 6.9.79
(G.S. Masingi)
Administrative Member

D.P. Purkayastha
(D.Purkayastha)
Judicial Member