

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA. 318 of 1996

Date of Order: 21.5.98.

Present: Hon'ble Mr.Justice S.N.Mallick, Vice-Chairman.  
Hon'ble Mr.S.Dasgupta, Administrative Member.

ARUN KR. GHOSH & ORS.

-VS-

UNION OF INDIA & ORS.

For the petitioners: Mr.A.K.Banerjee, counsel.

For the respondents: Mr.P.Chatterjee, counsel.

Heard on: 21.5.98.

O R D E R

S.Dasgupta, A.M.

1. We have heard the 1d.counsel for both the parties and perused the pleadings on record. 7 applicants have joined in filing this Original Application under section 19 of the Central Administrative Tribunal Act, 1985 seeking a direction upon the respondents to empanel each of the applicants in the ~~Live~~ Casual Register for the purpose of reengagement as Group-D staff.

2. The applicants have averred that they had worked ~~in~~ different spells between 1975 and 1978 and were thereafter retrenched. Specific averment of the applicants is that on 6.2.87 they have submitted individual representations to the concerned authorities for being enlisted in the Live Casual Register and these representations were also acknowledged by the respondents. It is stated that since the aforesaid representations were not considered, the present petitioners subsequently

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filed another representation on 8.2.96 which also remained unresponded.

3. The respondents in their reply have stated that a circular was issued by the Railway Board directing all the disengaged casual labourers to submit all details about their previous working for being enlisted in the Live Casual Register and the last date of submission of such application was 13.3.87. It is their further case that the applicants failed to submit such applications within the stipulated time.

4. The applicants have specifically averred that they had submitted required applications as per Railway Board's circular for being enlisted in the Live Casual Register on 6.2.87 and in support of their contention that they had submitted such representations well in time, that such representations had been acknowledged by the respondents, a photo copy of the receipt dt. 6.2.87 has been annexed (Annexure-A) to the petition. Respondents also have not specifically denied the authenticity on the said document. It is submitted by the applicants that they did submit such representation for being enlisted in the Live Casual Register prior to the cut off date, that is, 31.3.87.

5. The applicants are seeking only a limited relief of their being enlisted in the Live Casual Register on the basis of their actual working. Whether or not they have actually worked, is a question of fact and could be verified from the documents available with the applicants as well as the documents available with the respondents.

6. In the aforesaid circumstances, we dispose of the application at the admission stage itself with a direction to the respondents to consider the representation of the applicants dated 8.2.96, copy of which is at

Annexure-C to the petition, treating the present O.A. also as a part of the representation. The applicants may be directed to appear in person along with all documents available with them in support of their contention that they did work in the Railway between 1975 and 1978 and after verification of such documents and also ~~wanted~~ documents available with the respondents, the case of the applicants for being enlisted in the Live Casual Register shall be decided. In case the respondents ~~does not want to dispose of such representation~~ <sup>decide that they are not entitled to be so</sup> for being enlisted in the Casual ~~Live~~ Register, the applicants shall be communicated ~~of such decision~~ <sup>The reasons</sup> therefor by a speaking order. If, however, they are enlisted in the Live Casual Register after verification of the documents, they shall be considered for re-engagement on casual basis as and when vacancies for casual labour are available in preference to the fresh faces. They will also be considered for being regularised as Group-D post in their own turn.

7. All the aforesaid directions be complied within a period of ~~12~~ weeks from the date of communication of this order.

8. The application stands disposed of finally at the admission stage. No order as to costs.

  
(S. Dasgupta)  
Member(A)

  
(S.N. Mallik)  
Vice-Chairman.