

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA.445 of 1996

Date of Order: 14.5.98.

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

MANIK HEMRAM & ORS.

-VS-

UNION OF INDIA & ORS.

For the petitioners: Ms. B. Mukherjee, counsel/
Mr. H. K. Halder, counsel.
For the respondents: Mr. P. K. Arora, counsel.

Heard on: 14.5.98.

O R D E R

S. Dasgupta, A.M.

We heard the ld. counsel for both the parties at the admission stage and with their consent the application is being disposed of finally.

This application has been filed jointly by 45 applicants seeking reengagement in preference to new entrants. Material averment in the application is that all the applicants had worked for 3 years or more between 1980 and 1983 under a contractor. Further averment is that among the applicants, the applicant nos. 3, 7, 15, 39 and 41 were re-engaged under different contractors from 12.8.94 to 10.2.95.


The respondents did not file any reply despite innumerable opportunities. Therefore, material averments made in the Original Application, remain uncontroverted.

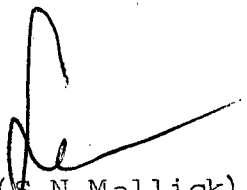
However, even on the basis of the averment made in the Original Application, we find that so far as the applicants other than no.3,7,15,39 and 41 are concerned, their claim for re-engagement is wholly barred by limitation since they were last engaged in 1983 and there is nothing to indicate that they are being borne on the live casual labour register. So far as the remaining applicants are concerned, there is a contention that they had worked from 12.8.94 to 10.2.95 but such re-engagement was also through contractors.

The applicants have not shown any rule in support of the contention that even by working under contractors, they are entitled to be re-engaged by the Railways. On the other hand, the respondents have also not disputed that working as casual labour under contractors, the applicants are entitled to be re-engaged by the railways.

In the aforesaid circumstances, we dispose of this application with a direction to the respondents to consider re-engagement of the applicants no.3,7,15,39 and 41 as and when vacancy arises if it is found that they have rendered services to the railways during the period from 12.8.94 to 10.2.95 as claimed in para 4(11) of the application, in terms of the extant rule and in preference to fresh entrants.

This application stands dismissed in respect of other applicants. No order as to costs.


(S. Dasgupta)
Member (A)


(S.N. Mallick)
Vice-Chairman.