

In The Central Administrative Tribunal  
Calcutta Bench

CA 461 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member  
Hon'ble Mr. V.K. Majotra, Administrative Member

Abdul Khair and Others

- VS -

- 1) Union of India, through the Chairman, Railway Board, New Delhi.
- 2) The General Manager, Metro Railway, Calcutta.
- 3) The Chief Engineer(Construction), Metro Railway, Metro Bhawan, Calcutta.
- 4) The Permanent Way Inspector, Metro Railway, Calcutta.

... Respondents

For the Applicants : Ms. B. Mondal, Counsel  
Mr. B. Chatterjee, Counsel

For the Respondents : Mr. P.K. Arora, Counsel

Heard on : 06-08-2001

Date of Order : 06-08-2001

O R D E R

D. PURKAYASTHA, JM

The grievance of the applicants, in short, is that while they were working as casual Gangmen from 1-1-1983 to 19-10-86 he had been dis-engaged along with other casual Gangmen. But the respondents, after dis-engagement, engaged some Gangmen overlooking the claim of the applicants due to completion of the work in respect of the concerned project. Now the applicants have sought direction from this Tribunal to engage them as per their seniority list maintained by the respondents against the work as casual Gangmen. The respondents denied the claim of the applicants; though it is admitted by the respondents in their

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written statement that the construction work of this Railway is awaiting completion very shortly and there is no need for engagement of any casual labour now. However, if any further work comes up requiring service of casual labourers, the cases of the applicants will be kept in view. No assurance is given to the applicants for their re-engagement as alleged. Lt. Counsel Mr. Chatterjee for the applicants relies on that statement made by the respondents and submits that necessary direction be issued upon the respondents to consider the cases of the applicants when opportunity of work will come or vacancy will arise for the purpose of engagement in the said project as per their seniority. Lt. Counsel Mr. Arora on behalf of the respondents submits that the list, as referred to by the applicants, is not the seniority list. However, the respondents should have the seniority list in respect of Gangmen engaged by them. In view of the aforesaid admitted position, we think it would be appropriate to direct the respondents to consider the cases of the applicants for the purpose of re-engagement against the vacancy or work will be available in future without breaking their seniority list as casual labourers maintained by the respondents. With this observation, application is disposed of.

V.K. Majotra

( V.K. Majotra )  
Member (A)

D. Purkayastha

( D. Purkayastha )  
Member (J)

DKN