

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. DA 476 of 96

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

ABUL KALAM

VS

UNION OF INDIA & ORS.

For the applicant : Mr. A. Chakraborty, counsel

For the respondents: Mr. P. K. Arora, counsel

Heard on : 5.5.98

Order on : 5.5.98

O R D E R

S.N. Mallick, VC

In this application the petitioner has prayed for an order directing the respondents to give him an appointment under respondent No. 4 on casual basis on the ground that his junior, private respondent No. 5 has got an appointment as gangman w.e.f. 6.2.95. The petitioner has annexed (Annexure 'A') a xerox-copy of the dormant casual labour list under the Railway Respondents for the year 1984-85 where his name appears at serial No. 91. It appears from that list that the petitioner worked up to 31.10.69 for 91 days. It is the case of the petitioner that he was appointed as a casual labour before 1969 under BWI, Eastern Railway, Sealdah. The grievance of the petitioner is that even though his name has been entered in the above dormant casual labour list he has not been considered for any appointment although his junior, one said Gaffur at serial No. 189 has been given such appointment who is the private respondent No. 5.

2. The ld. counsel appearing for the Railway Respondents submits that he has received no instructions and we are surprised to see that no reply has been filed. We do not see what stand the Respondents authorities have taken in not engaging the present applicant on the

basis of the aforesaid dormant casual labour list. However, the ld. counsel for the petitioner submits that his client will be satisfied if the Railway Respondents are directed to treat the instant application as a representation and ^{on} further directed to pass appropriate orders on considering the same according to the law and rules in this regard. Accordingly after hearing the ld. counsel for both the parties and after going through the materials on record we direct the Railway Respondents specially the respondent No.2 to consider the application as a representation and to dispose of the same according to the relevant rules and provisions of law in this regard within 3 months from the date of communication of this order. In case the applicant is not appointed the appropriate authority shall pass a speaking order which should be communicated to the petitioner within one month from the date of passing such order. The application stands disposed of at the admission stage itself. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN