

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.829 of 1997

This the 7th day of June, 2004

HON'BLE SHRI SARWESHVAR JHA, ADMINISTRATIVE MEMBER

Narayan Chandra Mitra, S/o Shri Joydeb Mitra,
Ex-Casual Worker under Chittaranjan Locomotive Works,
Chittaranjan, residing at P.O. & Vill: Saguria,
District Dumka (Bihar) ...Applicant

(By Advocate : Shri B. Chatterjee)

Versus

Union of India, through -
The General Manager, Chittaranjan Locomotive Works,
Chittaranjan, District Bardhaman.Respondents.

(By Advocate : Shri P.K. Arora)


ORDER (ORAL)

Heard learned counsel for the parties.

2. This Original Application has been filed with prayers that a direction be given to the respondents to engage the applicant in any Class IV category available or going to be available in future as done in the cases of Dipak Kumar Mitra and Nitai Gorai and others Vs. Union of India and Ors. in the cases of OA No.1177/1989 and OA No. 234/1994 respectively. It has also prayed that direction be given to the respondents to take steps for the absorption of the applicant in any present vacancy or vacancy arising in future without employing any other new recruits or any other persons, junior to him.

3. The facts of the matter, briefly, are that the applicant was initially employed by the respondents as a casual labourer on 1.10.1971 and ^{when} continued to be with them till 31.12.1972. He

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also acquired temporary status while serving the respondent. However, his services were terminated without assigning any reason and without following the principles of natural justice, ^{submitted} by the applicant. He has also referred to the need of maintenance of Live Casual Labour Register in terms of Railway Board's letter dated 14.3.1987 and has submitted that the applicant's name has not been shown in the said register. He has also referred to the case of Dipak KUMAR Mitra Vs. UOI & Ors. in OA No.1177 of 1989 decided on 18.4.1996 by the Tribunal, ^{reference} to which has been made by him in his representation also, a copy of which is at Annexure 'A', and ^{he} has prayed that ^{the} similar benefits may be extended to him also.

4. No reply has been filed on behalf of the respondent. Learned counsel for the respondent is, however, present in the Court.

5. Having regard to the fact that the matter has been taken up by the applicant with the respondent a number of times through representations, last such representation ^{having been placed} at Annexure 'A' to this OA and the same ^{given} ^{due} ^{not been} consideration and to which no reply has been given to the applicant so far. I am of the considered opinion that, keeping in view that the present Original Application pertains to the year 1997 and considerable time has elapsed, the interest of justice will be met if this Original Application is disposed of at this stage without awaiting

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(3)

to reply from the respondent with a direction to him that he consider and dispose of the representations as filed by the applicant together with this Original Application treating the same as ^{his} another representation by issuing a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of the present Order. Ordered accordingly.

6. With this, the present Original Application stands disposed of without any order as to costs.



(SARWESHVAR JHA)
ADMINISTRATIVE MEMBER