

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 939/1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G.S. Maingi, Administrative Member

TRIPTI CHATTERJEE

VS.

UNION OF INDIA & OTHERS

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

For the respondents : Mrs. U. Sanyal, counsel

Heard on : 04.10.99

Order on : 04.10.99

ORDER

Heard both the counsels.

2. The case of the applicant in short is that while she was working as casual Typist-cum-Clerk under the respondents, the respondents discharged her from service vide order dated 04.07.1985 (Annexure 'E' to the app.) w.e.f. 04.07.1985 i.e. the date of issuance of that impugned order. According to the applicant, she was engaged as Casual Typist-cum-Clerk in the office of the respondents on daily rate of Rs.13.50 w.e.f. 6.9.1984 for a period of 90 days vide letter dated 6.9.1984 (Annexure 'A' to the app.). Thereafter, she received a card issued by the respondent No.6, the Executive Engineer, Ekalakshi Balurghat Construction Project, N.F. Railway, Maldah in which the period of her employment was shown from 6.9.84 to 4.7.85 i.e. a total period of 302 days (Annexure 'B' to the app.). After that, the respondent No.6 issued another letter in her favour on 5.3.85 23.5.85 by which the applicant was reengaged in the post of Typist-cum-clerk on casual basis and on a consolidated wage of Rs.781.90 per month for a further period of 90 days from 5.3.85 unless terminated earlier (Annexure 'D'). Thereafter, the service of

dated 04.07.1985(Annexure 'E' to the app.). It is stated by the applicant that she made representation to the authorities stating her grievances and as the respondents did not take any action in this regard, she preferred appeal to the Hon'ble Railway Minister and the higher authorities. It is also stated by the applicant that the Private Secretary to the Minister of Railways replied to her representation by a letter dated 7th May, 1990(Annexure 'F' to the application) advising the respondents No. 2 the CPO, N.F. Railway, Maligaon(Guahati) to consider her case and to do the needful. But the respondents did not act on her repeated requests. Finally, she approached this Tribunal by filing this O.A. and prayed for her absorption in the post of Typist-cum-Clerk on regular basis on the ground that she served under the Railway department for more than 120 days and as per the extant rules, her service should be regularised.

3. The respondents filed written reply denying the claim of the applicant. It is stated by the respondents that the applicant was appointed ~~in the post of Typist-cum-Clerk for a~~ definite period of 90 days on each occasion with clear stipulation that her service would be automatically terminated on expiry of the said period or on completion of the work whichever is earlier. So, the service of the applicant was terminated ~~according~~ to the terms and conditions of appointment. It is further stated by the respondents that as per Casual Labour Rules, 120 days are taken into account for the purpose of granting temporary status and that is applicable only to the open line casual labourers not to the project workers. For the project work in the construction organisation, the time limit for getting temporary status is 360 days continuous service. Since the applicant did not complete the said period, she is not entitled to get absorption in the department as claimed in the application. So, the application is devoid of any merit and is liable to be dismissed.

4. Ld. counsel, Mr. A.K. Banerjee appearing on behalf of the applicant has drawn our attention to the orders dated 17.2.1988 in O.A.No.583/1987 and dated 28.7.1988 in O.A.No.611/1987 passed by the Tribunal and submitted that the applicant in this O.A. is similarly circumstanced and therefore she should be granted the benefits as granted to the applicants in the cases mentioned above. He further submitted that the applicant made representation to the authorities regarding this matter but till date they did not grant such benefits on the ground that the applicant was not the petitioner in the cases mentioned above. So, the respondents may be directed to grant similar benefits to the applicant as granted to the applicants in the earlier cases ~~as she is similarly situated and circumstanced.~~

5. Ld. counsel, Mrs. U. Sanyal appearing on behalf of the respondents submitted that the applicant was not engaged in the project against any permanent or regular vacancy. She was appointed for a definite period and on expiry of that period she was disengaged from service as per the terms and conditions of her appointment. Thereby, the application should be dismissed.

6. We have considered the submissions of the ld. counsels for both sides and have perused the records. We have also gone through the judgments of this Tribunal as submitted by the ld. counsel for the applicant. On a perusal of the said orders of this Tribunal, we find that the applicant is similarly circumstanced and therefore, she is entitled to get the same relieves as granted to the applicants in the ~~abovementioned~~ ~~cases~~...

7. In view of the aforesaid circumstances, we set aside the order of termination from service dated 4.7.1985(Annexure 'E' to the app.) and direct the respondents to reinstate the applicant forthwith. Her pay and other benefits shall be granted on notional fixation from the date of termination from service ^{her} to the date of reinstatement and backwages shall be paid w.e.f.