

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 1121 of 1997

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Mishra, Administrative Member

Sukhamoy Mondal & Ors.

-VS-

C.L.W.

For the Applicants : Mr. S.K. Dutta, Counsel

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

Date of Order : 14.12.2004

O R D E R (Oral)

MR. MUKE SH KR. GUPTA, JM

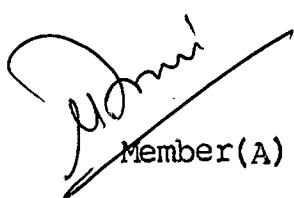
In this application, six applicants seek direction to the respondents to absorb them as regular Group 'D' employees and further to extend the benefit of the judgement delivered in OA Nos. 890, 891, 892 and 893 of 1987 decided on 22-7-1988.

2. It is contended by the respondents that pursuant to the order passed in O.A. 387 of 1990 dated 31-5-1990, reasoned and speaking order dated 31-7-1991 (Annexure-A/3) was passed and it was stated that on verification of the record the applicants' certificates of casual labour were not found to be genuine one. It is further contended that the said order was passed on 31-7-91 though the present application was instituted in the year of 1997^{precisely on} 25-9-1997. Therefore, it has been vehemently contended that apart from merits, the present application suffers from limitation.

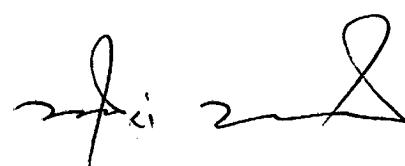
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3. After hearing Ld. Counsel for both the parties and on bestowing our careful consideration, we find that there is substance in the contention made by the respondents that what cannot be achieved directly is sought indirectly in the present application. Besides, the order dated 31-7-1991 has not been impugned in the present application, though it was issued to the first applicant in the O.A. The respondents have also contended that the applicants of did not work as casual labour and therefore, the question absorbing them in the regular Group 'D' post did not arise. No rejoinder has been filed to the respondents' reply. On bestowing our careful consideration, we find that the applicants could not make out any case for issuing direction to the respondents, particularly when the respondents denied the applicants' engagement as casual labour.

4. In view of above, the present application is dismissed. No costs.



Member(A)



Member(J)

DKN