

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 1132/1997

Date of order: 08.02.2002

Present: Hon'ble Mr. B.P. Singh, Administrative Member.

Hon'ble Mr. Kuldip Singh, Judicial Member.

Kartick and 74 Ors.

- V e r s u s -

1. Union of India, through the General Manager, Eastern Railway, 11, Netaji Subhas Road, Calcutta-1.
2. Executive Director (I.R.) New Delhi, Railway Bhawan, New Delhi.
3. Chief Personnel Officer, Eastern Railway, Calcutta, 17, Netaji Subhas Road, Calcutta-700 001.
4. Divisional Railway Manager, Eastern Railway, Asansol, Burdwan.
5. Senior Divisional Personnel Officer, Eastern Railway, Asansol.
6. Assistant Engineer, Eastern Railway, Madhupur, District-Deoghar, Bihar.
7. Assistant Engineer, Eastern Railway, Asansol.
8. P.W.I. Eastern Railway, Vidyasagar, Police Station-Jamtara, District-Dumka.
9. P.W.I. Eastern Railway, Madhupur, Madhupur, District-Deoghar.
10. P.W.I. Eastern Railway, Barakar, Barakar, Police Station-Barakar, District-Burdwan.

...Respondents

For the applicants : Mr. G.C. Mukherjee, counsel.
Ms. Swapna Mondal, counsel.

For the respondents : Mr. R.K. De, counsel.

O R D E R

B.P. Singh, AM

This is a joint application filed by 75 applicants who are said to be listed casual labours and their names have been kept in the Live Casual Labour Register prepared by the respondents. They have prayed for direction upon the respondents for giving them appointment as casual labourers in their turn.

2. The respondents have contested the claim of the applicants by filing a reply wherein it is submitted that it is not mandatory to give appointment to the applicants as casual labour inasmuch as, casual labour refers to labour whose employment is seasonal, intermittent, sporadic and extends over short periods. They are employed on casual nature of jobs and not to any regular posts. Therefore, when the casual nature of jobs will arise in the unit and when the individual applicants' turn will come as per their seniority in the Live Casual Labour Register, the Administration will have ^{no} ~~any~~ problem to re-engage them after obtaining the approval of the competent authority. According to the respondents, the applicant has no right to claim such engagement.

3. We have heard Id. counsel for both parties and perused documents placed on record.

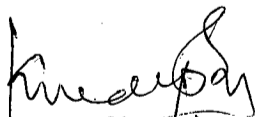
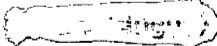
4. The Id. counsel for the respondent Railway submitted that the applicants can be accommodated for engagement but they will be re-engaged only in their turn.

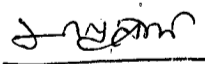
5. In the reply, the Id. counsel for the applicants submitted that as far as the turn of the applicants is concerned, the respondents are utilising the services of those persons who are not in the panel of Live Casual Labour Register, but the labourers under contractor. The applicants are thus being deprived of their right to be re-engaged.

6. From the records, we find that Kartick, the applicant No.1 & 74 others had filed O.A. 795/1995 for enlisting them in the panel of Live Register of Project Casual Labour. The Tribunal disposed of the said O.A. with a direction upon the respondents to enter the name of the applicants in the Live Register of Project casual labour at correct positions after proper scrutiny. In compliance of the aforesaid order of the Tribunal, P. Way Inspector/Eastern Railway/Vidyasagar has been maintaining the names of the applicants at correct position in the Live Casual Labour Register. The applicants grievance is that the respondents are denying their claims of re-engagement in their turn and instead are utilising the services of persons from outside. In other words, the respondents instead of utilising the services of the applicants from the Live Register, are utilising the services of the persons from outside as contract labour without taking any approval of the competent authority. Therefore, the applicants pray that direction may be given upon the respondents to re-engage them as casual labour in their turn.

7. In view of the above discussions and in view of the submission made by the Id. counsel for the respondents, we dispose of the application with a direction that the respondents shall re-engage the applicants in their turn as casual labour as and when the work is available in preference to the outsiders.

8. No order is passed as to cost.


(Kuldip Singh)
Member (J)



(B.P. Singh)
Member (A)