

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.OA 1166 of 97

Present : Hon'ble Mr.S.Biswas, Administrative Member

Hon'ble Mr.A.Sathath Khan, Administrative Member

ARABINDA SINGHA ROY

AND 8 OTHERS

All working as left out casual labour,
Howrah Division, E.Rly., Howrah.

...APPLICANTS..

-VERSUS-

1. Union of India,
service throughs the General Manager,
E.Rly., Fairlie Placem,,
Calcutta - 700 001.

2. The Sr.Divl.Personnel Officer,
E.Rly. having office at Howrah.

3. The Divl.Railway Manager,
E.Rly., having office at Howrah.

4. Sr.Div.Signal &
Telecommunication Engineer (CON),
having office at Howrah.

5. The Asstt.Signal &
Telecommunication Engineer(Con),
having office at Howrah. E.RLY.

...RESPONDENTS..

For the applicants : MR.A.Chakraborty, counsel

For the respondents: Mr.R.M.Roychoudhury, counsel

Heard on : 30.4.03

Disposed of on: 27/6/03

O R D E R

A.Sathath Khan, J.M.

The applicants pray for quashing of the speaking order dated 8.7.97 of the DRM, E.Rly. (respondent No.3) and to direct the respondents to include the names of the applicants in the Live Casual Labour Register and thereafter absorb~~ing~~ them on the basis of seniority.

...2/-

2. The applicants claim to have worked as casual labour in the E.Rly. from 1963. They further contended that inspite of the inclusion of their names in the panel of 249 candidates prepared for re-engagement in the year 1987, they were not re-engaged. Hence they had approached this Tribunal in OA 470/95 for inclusion of their names in the Live Casual Labour Register and this Tribunal by order dated 8.7.96 directed the DRM, E.Rly. to obtain and consider all the relevant reports from DSTE(Con), Sr.DSTE(Con) and Sr.DPO and pass final order regarding inclusion of their names in the Live Casual Labour Register. The DRM by ~~his~~^{his} order dated 8.7.97 has passed the speaking order pursuant to the order of this Tribunal dated 8.7.96 in OA 470/95. Aggrieved by the said order dated 8.7.97, the applicants have come up with the present OA. The contention of the applicants are that if the respondents are not able to produce the signature of the Inspector Shri B.K.Bhakat whose signature is found in their Casual Labour Card for comparison by the handwriting expert, the applicant should not be deprived of their legitimate right for inclusion of their names in the Live Casual labour Register and that their names should be directed to be included in the said register.

3. The respondents submitted that pursuant to the direction of this Tribunal dated 8.7.96 in OA 470/95, the signature of Shri Bhakat, Inspector whose signature was found in the Casual Labour card of the applicants were sent for comparison but the handwriting expert could not say whether the signatures found in the Casual Labour card are that of Shri Bhakat, Inspector. Hence the respondents contended that the respondent No.3 has rightly rejected the claims of the applicants by the impugned order dated 8.7.97.

4. Heard Mr.A.Chakraborty, ld. counsel for the applicants and Mr.R.M.Roychoudhury, ld. counsel for the respondents.

5. The point for consideration is whether the respondent No.3's speaking order has been passed as directed by this Tribunal. The applicants contended that the respondent No.3's speaking order is defective as he has not considered the reports of DSTE(Con), Sr.DSTE(Con) and Sr.DPO. We have gone through the order of the Tribunal dated 8.7.96 in OA 470/95 in which the respondent No.3 has been specifically directed to obtain and consider the reports of the said officers but we find that the respondent No.3 has not whispered anything about the said reports in his speaking order. Moreover, the handwriting expert has not given any opinion that the signature of Shri Bhakat, Inspector does not tally with the signature found in the Casual Labour cards of the applicants. We have perused the handwriting expert's opinion and we find that the handwriting expert has asked for more signature of Shri Bhakat for comparison and has not given any final opinion. Hence we are of the view that the speaking order of the respondent No.3 is based on inconclusive report of the handwriting expert. Moreover, the reports of the above officers have also been not considered by the respondent No.3 in his speaking order. Under these circumstances, we direct the respondent No.3 to send more signatures of Shri Bhakat, Inspector as requested by the handwriting expert, obtain his opinion and also consider the reports of the above officers and then pass a speaking order as to whether the applicants are entitled to inclusion of their names in the Live Casual Labour Register.

6. In the result, ~~of~~ the OA is disposed of as indicated above with no order as to costs.

MEMBER (J)

in

Landman St. S. Bismarck,
Havilla Mide (A) to
Jensen the end.

S. Berry

MEMBER (A)