

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

No. O.A.1219 of 1997

PRESENT: HON'BLE MR. B.N. SOM, VICE-CHAIRMAN(A)  
HON'BLE MR. ASHOK S. KARAMADI, MEMBER(J)

SUJIT BAGCHI & ORS

Vs.

1. Union of India, through the Secretary Department of Communication, GOI, New Delhi-1
2. Director General of Post Offices, Government of India, Yogayog Bhavan, New Delhi-1.
3. Post Master General, W.B. Circle, Yogayog Bhaan, P-36, Chitaranjan Avenue, Calcutta-1.

For the Applicant : Mr. M.S. Banerjee, Counsel  
Mr. C.N. Dey, Counsel

For the Respondents : Mr. B. Mukherjee, Counsel

Heard On : 2.08.2005

Date of Order: 05.08.2005


**ORDER**

**MR. ASHOK S. KARAMADI, J.M.:-**

This is a joint application filed by 22 applicants claiming a direction to the respondent authorities to include their names in the approved list of casual labours and for their absorption in regular establishment under the respondents.

2. The applicants claim to have worked as casual workers in the Calcutta G.P.O. during 1986-1989 under the Care-taker in various kinds of jobs in connection with Postal Museum Exhibition, Dusting and cleaning of office rooms and also for other casual nature of jobs. It is their case that under the department of Posts circular, daily rated mazdoors are entitled for regularisation and such regularisation has been given in respect of some other daily rated casual workers whereas the applicants' have not been considered for the same. They made several representations but to no effect and hence this O.A.

3. The respondents have filed a reply. In the reply they have disputed the claim of the applicants that they had earlier worked on casual basis under the respondents.



The certificates produced by the applicants regarding their work as annexed to the application have been stated to be fake and fabricated. They have also raised the question of limitation. The respondents have relied on a decision of this Tribunal in O.A. No.498 of 1994 dated 1.7.94 in the case of Dilip Kumar Acherya Vs. Union of India & Ors wherein the claim of the applicants was dismissed. It is their case that even though the applicants claimed to have been disengaged in 1987 or in 1989, they have filed this case only in 1997 and, therefore, this application is barred by limitation.

4. We have heard ld. counsel for both parties.

5. Ld. counsel for the applicants has drawn our attention to the supplementary affidavit filed by the applicants wherein they have annexed the working certificates issued by the Sr. Dy. Presidency Post Master certifying that the individual applicants had worked as casual labours during the year 1987 and 1989 under the supervision of Caretaker, G.P.O. Ld. counsel has further contended that some similarly situated casual workers filed a Writ Petition before the Hon'ble High Court of Calcutta which was decided in their favour. The respondents have regularized those writ petitioners. He submits that since the applicants are similarly circumstanced, their case should also be considered by the respondents. He has also relied on a decision of this Tribunal in O.A. No. 334 of 1989 in the case of Narayana Dutta & Ors. VS. Union of India & Ors. which was decided on 4.9.1992 in favour of the applicants therein. So far as limitation is concerned, ld. counsel has submitted that only when other similarly situated casual labourers were absorbed by the respondents on the basis of the direction of the Hon'ble High Court, the applicants had approached this Tribunal since their representations were not considered by the respondents.

6. On going through the records, we find that in the supplementary affidavit the applicants have annexed several documents which have not been denied by the respondents in their reply. The reply was verified on 17.1.1999 whereas the supplementary application was filed in 1998. Thus, we find that the applicants' claim have not been properly considered except making a bold statement in the reply



affidavit that they had never worked under the respondents. The applicants have also filed rejoinder wherein they have also submitted certain other new documents like identity card etc. It further appears that the applicants were all registered with the employment exchange. It is not in dispute that some other casual labours were reengaged and or absorbed under the respondents in terms of the order of the Hon'ble High Court.

7. After considering the matter, we are of the opinion that since the respondents have not considered the claim of the applicants with reference to the documents annexed to the supplementary affidavit and the rejoinder, the matter should be remanded back to the respondent authorities for further consideration of the claim of the applicants' for their inclusion in the list of casual labourers for the purpose of their future engagement and/or absorption according to their turn strictly in accordance with rules. This exercise should be completed within three months from the date of communication of this order.

8. With the above direction, the O.A. is disposed of. No order as to costs.

  
MEMBER(J)

  
VICE-CHAIRMAN(A)