

OA No.303 of 1997

11-12-2001

Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice Chairman  
Hon'ble Mr. S. Biswas, Member (A)

Md. Ameer & Ors

-Vs-

Eastern Railway

For the applicants : Mr. M. S. Banerjee  
Mr. T. K. Biswas

For the respondent : Mr. P. K. Arora

ORDER

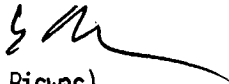
Mr. D. N. Chowdhury, V.C.

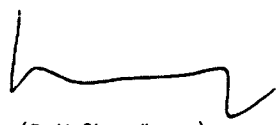
The applicants were engaged as Casual Gangman under the PWI, Malda Division, Eastern Railway in the year 1984 and were discharged from service in 1985. The names of the applicants were in the Live Register of the Malda Dn. In 1988 the respondent took a decision to bring back the 184 discharged Casual Labourers under PWI, Malda to the Live Register for their utilisation in Malda Dn. according to its exigency. The Union was again informed on 6-3-89 by the respondent that the sanction of the competent authority was issued for engagement of 34 Casual Labourers from the Live Register by an office order. Some of the Casual Labourers who were not favoured with such order moved an OA before the Tribunal vide No.1414/93. The Tribunal has passed the final order on 22-3-96 which are as under :

The applicants shall be considered for engagement as Gangman under PWI, Malda Dn. according to their position in the Live Register and after proper screening if not already done, against existing vacancies, if available and if not, against existing vacancies but they will not be disqualified from consideration on the ground of the age.

2. There were 22 applicants in that OA. Subsequently 8 applicants filed OA No.735 of 1994 which was disposed on 4-4-96 with the direction upon the respondents to provide appointment to the instant applicants against the vacancies of Gangman existing as per their turn and according to the order shown in the list brought out on 12-2-87. It was further stated that the respondents shall give appointment to the applicants within a period of 3 months from the date of accrual of such vacancy.

3. Thus these 12 applicants are seeking for similar action.
4. The Rlys contested the case and filed written statement. There is no dispute that the names of these 12 applicants appeared in the Register.
5. We have heard the learned counsel of both the sides.
6. The learned counsel for the respondent contended that no relief should be granted to the applicants at this stage. Even as directed by the Tribunal all the applicants could not be accommodated and some of them are still in the queue.
7. In view of the facts that the present applicants are similarly situated, we accordingly direct the Respondents to consider the case of the applicant for appointment against the vacancies of Gangmen, strictly in conformity with the order cited in the list published. If, however, the posts are already filled up, we direct the Respondents to accommodate the applicants within three months from the date of accrual of the vacancy in the order mentioned above. Subject to the observations and directions made above the application stands disposed. No costs.

  
(S. Biswas)  
Member(A)

  
(D. N. Chowdhury)  
V.C.