

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 352/01

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SECTION OFFICER (Judl.)

8.12.17

FORM No. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

ORDERS SHEET

Original APPLICATION NO. 352/2001

Applicant (S)

Lafami Ent

Respondant(S)

U.O.I. Form

Advocate for the Applicant: S. C. Boruah, K. Bhattacharyei, M. K. Mazumdar  
R. Begam, Miss P. Sarma, A. K. Hossain

Advocate for the Respondant: Railway Counsel.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in the Corporation Petition is filed vide M. P. No. 14 C.F. for Rs. 50/- deposited vide IPO/BC No. 29.548931 Dated 20.8.2001	19.9.01	Heard Mr. K. Chakraborty, learned counsel for the applicant, Application is admitted. Issue notice. Call for the records. Returnable on 17.10.2001 for further order.
<i>Dr. Registrar</i> <i>NS</i> <i>31/9/01</i>	trd	<i>Vice-Chairman</i>
Notice reformed and sent to Dls for issue of the Resumption No 1 to 5 by Regd No	17.10.01	Service reports are awaited. List on 29.11.01 for order.
<i>pg</i> <i>28/9/01</i>	29.11.01	Mr. S. Sarma, learned counsel for the respondents, prays for time to file written statement. Prayer is allowed. List on 1.1.2002 for order.
D No 3716 to 3720 Dtd 28/9/01		<i>Member</i> <i>Vice-Chairman</i>
Service report will be awaited.	mb	

*28/9/01*

(2)

① Service report was 1.1.02  
still awaited.

34  
28.11.01

The service by registered post is awaited. The respondents may file written statement, if any, within three weeks from today.

List on 30.1.2002 for order.

K. V. Sharma  
Member

[Signature]  
Vice-Chairman

No written statement  
has been filed.

30.1.02

List on 4.3.2002 to enable the respondents to file written statement.

34  
29.1.02

K. V. Sharma  
Member

[Signature]  
Vice-Chairman

mb

4.3.02

List again on 4.4.2002 to enable the Respondents to file written statement.

K. V. Sharma  
Member

[Signature]  
Vice-Chairman

mb

4.4.2002

No written statement so far filed. List the case again on 7.5.2002 so that respondents may file written statement.

The order is passed at the instance of Mr. S. Sarma, learned counsel for the respondents.

K. V. Sharma  
Member

[Signature]  
Vice-Chairman

bb

7.5.02

No written statement is forthcoming from the Respondents. Further four weeks time is allowed to the Respondents to file written statement.

List on 4/6/2002 for orders.

No written statement  
has been filed.

34  
3.6.02

K. V. Sharma  
Member

[Signature]  
Vice-Chairman

mb

4.6.02

List for hearing on 10.7.02. In the meantime the respondents may file written statement.

K. V. Sharma  
Member

[Signature]  
Vice-Chairman

2.7.02  
Wfs submitted  
by the Respondents.

lm

Notes of the Registry

Date

Order of the Tribunal

10.7.02

Judgment delivered in open Court.

Kept in separate sheets. Application is allowed. No costs.

Order dtd 10/7/02  
Communicated to the  
Kantus Comm.

by  
24/7

la

Member

Vice-Chairman

✓

Incident of 1980

AD-8 0 101 110

Notes of the Registry | Date

Order of the Tribunal

ni

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./H.A.No. 352 of 2001 of

DATE OF DECISION... 10.7.2002.....

Shri Rajani Sut.

APPLICANT(S)

Mr.S.C.Biswas, Mr.K.Bhattacharjee,  
Mr.M.K.Mazumdar, R.Begum, Miss.P.Sarma

ADVOCATE FOR THE APPLICANT(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr.S. Sarma

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR.JUSTICE D.N.CHOUDHURY, VICE-CHAIRMAN

THE HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches .

Judgment delivered by Hon'ble VICE-CHAIRMAN

X

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.352 of 2001

Date of Order: This the 10th Day of July 2002

HON'BLE MR.JUSTICE D.N.CHOUDHURY, VICE-CHAIRMAN

HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Sri Rajani Kanta Sut.  
S/O.Sri Lakhmi Ram Sut,  
Village - Kamar Chuburi  
P.O.- Pitha Khowa,  
P.S. - Tezpur, Sonitpur, Assam. ... Applicant.

By Advocate Mr.S.C.Biswas, Mr.K.Bhattacharjee  
Mr.M.K.Mazumdar, Mr.R.Begum, Miss P.Sarma, Mr.A.K.Hussain

-Vs-

1. Union of India  
Represented by the Secretary to the  
Govt. of India, Rail Mantranalaya  
New Delhi-1.
2. General Manager(P)  
N.F.Railway, Maligaon.
3. General Manager(Con),  
N.F.Railway, Maligaon.
4. Divisional Railway Manager(P),  
N.F.Railway, Alipurduar.
5. Divisional Railway Manager,  
N.F.Railway, Alipurduar ... Respondents.

By Advocate Mr.S.Sarma, on behalf of Railway counsel.

O R D E R.

CHOUDHURY, J. (VC):

The only issue involved in this application pertains to absorption/regularisation of Casual Labour for enlisting the name of the applicant in the Live Register in terms of the direction issued by the Supreme Court in the case of Indrapal Yadav and -Vs- Union of India & Ors. and subsequent directions issued by the Central Administrative Tribunal.

contd/-



2. In the pleadings of the Railway authority it was specifically stated that the name of the applicant was enlisted in the Live Register of Construction Organisation and his name appeared at Serial No.21 in order of seniority. Subsequently, his bio-data was sent to DRM(P)/APDJ alongwith the other casual labourers on roll for preparation of combined seniority list. Accordingly, the name of the applicant was interpolated in the combined seniority list as on 1.4.90 at Serial No.2713 published vide DRM(P)/APDJ's letter No. E/57/5(E)AP/Pt.II dated 9.11.90. The name of the applicant was registered in the Live Register of Construction Organisation.

3. Mr.M.K.Mazumdar learned counsel for the applicant in the course of hearing produced a communication No.E/235/Con/CL(2) Retrenched dated 12.9.2001 addressed to the DRM(P)/APDJ, N.F.Railway from the General Manager, Constuction, Maligaon which is reproduced below:-

" Your attention is invited to this office letter of even number dated 5.01.2001(copy enclosed) wherein you were requested for arranging screening of 17(seventeen) ex-casual labour of Construction Organisation(list enclosed). But no information yet been received from your end.

However, out of 17 retrenched casual labour one Sri Rajani Sut is pressing hard for his screening and absorption. The address of Shri Sut also communicated to you for his screening. But no result.

You are once again requested to arrange screening of these 17 retrenched casual labour at your earliest to avoid court case."

4. Upon hearing the learned counsel Mr.M.K.Mazumdar appearing on behalf of the applicant and Mr.S.<sup>S</sup>arma learned counsel appearing on behalf of the respondents, we accordingly direct the respondents to authority to arrange for screening

contd/-3



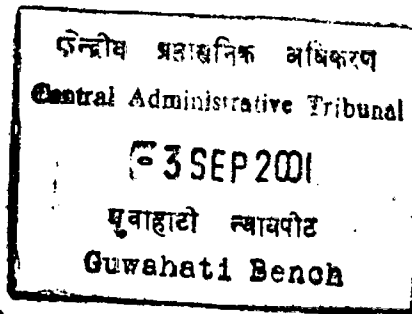
of the applicant if not already done with utmost expedition and to take the necessary follow up steps for absorption of the applicant and other eligible persons in the light of the Communication No.E/235/Con/CL(2) Retrenched dated 12.9.2001 and the like instructions issued from time to time in the light of the directions contained in Indrapal Yadab.

5. The application is accordingly, allowed to the extend indicated. There shall however, no order as to costs.

*K K Sharma*  
(K.K.SHARMA)  
ADMINISTRATIVE MEMBER

*[Signature]*  
(D.N.CHOUDHURY)  
VICE\_CHAIRMAN

LM



APPENDIX - A.

C.A. 352/2001

An Application under section 19 of the  
Central Administrative Tribunal.

Title of the Case : Sri Rajani Sat.

..... Applicant.

-Versus-

Union of India & ors.

..... Respondent.

I N D E X

<u>Sl. No.</u>	<u>Description of document relied upon.</u>	<u>Page No.</u>
1.	Annexure - i dt. 7.12.83.	- 8 - 9.
2.	" II dt. 31.5.85.	10-12.
3.	" III dt. 17.3.89.	13-20.
4.	" IV dt. 3.12.98.	21.
5.	" V dt. 5.1.2000.	22 -23.
6.	" VA dt. 9.8.2000.	24.
7.	" VI dt. 26.4.2000.	25.

স্বাক্ষরিত

Signature of Applicant.

For use of Tribunal Office.

Date of filing.

Signature for Registrar.

Filed by  
Pranya Kata Sarmah  
Advocate  
31.8.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

- i. Sri Rajani Kanta Sat,  
s/o. Sri Lakhmi Ram Sat,  
of village - Kamar Chubari,  
P.O. - Pitha Khowa,  
P.S. - Tezpur, Sonitpur, Assam.  
..... Appellant.

-Versus-

1. Union of India,  
Represented by the Secretary to the  
Govt. of India, Rail Mantralaya,  
New Delhi - I.
2. General Manager (P),  
N. F. Ry, Maligaon.
3. General Manager (Con.),  
N. F. Ry, Maligaon.
4. Divisional Ry. Manager (P),  
N. F. Ry, Alipurdhar.
5. Divisional Ry. Manager,  
N. F. Ry, Alipurdhar.  
..... Respondents.

DETAILS OF THE APPLICATION.

- i. Particulars of the order against which  
application is made.

Implementation of the order made by letter  
No. E/235/CON/CL (2) Retrenchment dated 9.8.2000  
Screening of Ex-Casual Labour in Live/Supplementary  
Casual Labour Register from office of the General  
Manager/CON/Maligaon addressed to Deputy Railway  
Manager, Alipurdhar, N. F. Railway.

শ্রী সুনীলজ্যোতি

2. Jurisdiction of the Tribunal.

The applicant declares that the subject-matter of the Order implementation of which the appellant wants to be implemented and executed are within the jurisdiction of the Tribunal.

3. Limitation :

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1986.

4. Facts of the case.

1. That the appellant states that the appellant was appointed as Casual Khajasi in the construction organisation of North East Frontier Railway by Asstt. Engineer (CON) Brahmaputra Bridge Project, Tezpur, Assam, through Letter No. E/227/1(BBC) Pt.II/1278 dated 7.12.83 and the appellant joined in the service on 9.12.83 and worked till 30.4.83 total for 143 days.

(A copy of the appointment letter dated 7.12.83 is annexed hereto as Annexure hereto as Annexure-I).

2. That the appellant was again appointed as casual Khajasi in the same post and job and worked from 29.1.85 and was disengaged from service w.e.f. 13.6.85 (A.N.) by letter No. E/227/1(BBC) Pt.III/7/51 dated 31st May, 95 and he had worked for 136 days.

(A copy of letter dated 31st May, is annexed hereto as Annexure - II).

3. That the appellant thereafter was expecting that he would be called for further casual works under various project undertaken by the Railway Administration, but there was large number of retrenched of Labourers without following the Industrial Disputes Act. As a result some of the retrenched Labourers approached the Hon'ble Central Administrative Tribunal, Gauhati Bench

which.....

শ্রী চন্দ্ৰ বিনোদ চৌধুরী

which is numbered as OA 199/1986 while disposing of the appeal the Hon'ble Tribunal passed the judgement and Order on 17.3.89 wherein the Hon'ble Tribunal directed the preparation of the List in accordance with the direction of the Hon'ble Supreme Court in the case of Indrapal Yadav -vs- Union of India had already been granted. And further added and directed in this connection that they should take up the question of providing of employment and their ultimate absorption in accordance with the scheme expeditiously.

A copy of the judgement dated 17.3.89 is annexed hereto and marked as Annexure- III.

4. That the appellant states that after the passing of such judgement the respondent prepared the List as per the seniority and the name of the appellant and was not included there as a result he visited Alipurdhar Junction Division several times to place his grievances before the authority for inclusion of his name in the Live Register. Accordingly after persuasion his name was forwarded.

5. That the appellant states that the office of the General Manager (CON), Maligaon, wrote letter No. E/283/CON (2) dated 3.12.98 to Deputy Railway Manager (P)/APDJ i.e. Alipurdhar Junction Division, and intimated that bio-data of 17 retrenched Casual Labour in construction organisation belonging to APDJ Division were sent to interpolate their names in combined Seniority List of APDJ Division (Engg. Deptt.) as on 1.4.90 and their names have been interpolated in the combined Seniority List. And requested the DRM(P) APDS to inform whether the names of above retrenched casual Labourer were borne in the Live Register of APDJ Division.

(Copy of letter dated 3.12.98 is annexed hereto as Annexure - IV).

6.....

শ্রী অরুণ কুমার

6. That the appellant states that the office of the General Manager (CON), Maligaon, wrote letter No. E/235/CON/CL(2) (Retrenched) dated 5.1.2000 to DRM(P)/APDJ and informed that there were 17 retrenched Casual Labour of Construction Organisation who belonged to APDJ Division and the list was sent for inclusion of those CL in the Live Register and copy of the same was sent to GM(P) MLG with Bio Data. But no information had been received as to whether they have been called for screening test. The address of the appellant was available and that had been sent for disposal. As no reply was received reminder was sent by letter dated 9.8.2000.

(A copy of letter dated 5.01.2000 and 9.8.2000 are annexed hereto as Annexures - V and V-A).

7. That the appellant states that office of the Divi. Ry. Manager (P) Alipurdhar Junction had issued two letters No. E/213/CL(E) AP. dated 26.9.2000 to the General Manager (P) N. F. Ry./Maligaon, that no further Ex-Casual Labour borne in the Live/supplementary Casual Labour Register after screening of both open Line and Construction Organisation CL/CPC's lastly held on 26.11.96 to 28.3.97. But G.M./CON/MLG had sent list of 17 Nos. of extra-Ex-Casual Labour of construction organisation by letter dated 5.1.2000, and 9.8.2000 respectively and prayed for approval and admitted for finalisation of the issue.

But till date G.M. (P) N. F. Ry. had not sent the reply as prayed for.

(A copy of the reminder and letter dated 26.9.2000 is annexed hereto as Annexure - VI).

8. That the appellant states that he had worked as casual Labour (Khainsi) in the construction activities undertaken by Railway Administration w.e.f. 9.12.83 to 30.4.84 and 29.1.85 to 13.6.85 and had rendered 279 days of service, under Brahmaputra Bridge Project, Tezpur, Assam, and it belonged to Alipurdhar Junction Division of the N. F. Ry.

9.....

শ্রী সুনীল কুন্ডু

9. That the appellant states that in view of the Hon'ble Supreme Court in its Judgement in case of Inder Pal Yadav -vs- Union of India that a seniority list of the Casual Labourers had to be prepared division-wise and had to be absorbed in accordance with their seniority.

10. That the appellant states that in the instant appeal the respondent No.1 in spite of the letter written and reminders issued by the Respondent No. 3. The approval for inclusion of name of the appellant in the Live/Supplementary Casual Labour Register and screening of construction Ex-Casual Labour had not been made for the appellant has been deprived from absorption on regular basis under DRM(P), APDJ.

5) GROUND FOR RELIEF WITH LEGAL PROVISION :

1) For that the Respondent No.1 has not taken any action in spite of the repeated reminders from respondent No. 2 and 3 as a result of which the name of the appellant had not been included in the Live/Supplementary Casual Labour Register and he is being deprived of absorption on regular basis under DRM (P) APDJ.

2) For that the action of the respondents had violated the right of the appellant enshrined under the <sup>Constitution</sup> ~~Constitution~~ of India, the right to equality, right of equal opportunity in matters of public employment, protection of right to live with dignity and honour, and protection from depriving from livelihood provided under Articles 14, 16, 21 and 300A.

3) For that the appellant had the expectation to be absorbed in the regular job being the senior among the Casual Labours had his name included in the Live/Supplementary Casual Labour Register. The inaction of

the.....

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the Respondent No.1 had not only deprived the appellant from getting the job but also affected his right to livelihood which violated the provision of Article 21 of the Constitution of India.

6) Details of Reply Exhausted.

Appellant declared that he had filed the representations before the Authority under the Rules.

7) Matters not previously filed or pending with any other Court.

Appellant declares that he had not previously filed any application/writ petition or suit regarding the matter in respect of which this application has been made before any court or any other Authority or any other Bench of Tribunal.

8) Relief Sought.

The respondents may be ordered/directed to include the name of the appellant in the Live/Supplementary Casual Labour Register and absorb in the regular service as per the seniority.

9) Interim order if any prayed for.

That the appellant prays to keep one post vacant above his juniors who might have been appointed for non inclusion of his name in the Live/Supplementary casual Labour Register.

10) In the event of application being sent by Registered posts etc.

Not applicable.

11) Particulars of Indian Postal Orders.

I.P.O. No. -

Date of I.P.O. -

Issued by - Guwahati Post Office.

Payable at - Guwahati.

12) List of documents :

(a) Annexure - I to VI.

VERIFICATION.....

अभिनीत ठुठु 6



VERIFICATION.

I, Sri Rajani Kanta Sat, s/o. Sri Lakhiram Sat,  
of village - Kanar Chubari, Patna Khowa, Tezpur,  
Sonitpur, Assam, do hereby file this Verification  
on his own behalf.

That the contents in the paragraphs  
are the matters of knowledge and the  
paragraphs 1 to 10 are the matters of  
records and I believe those to be true and on legal  
advice I have not suppressed any facts.

সীতকান্তী সত্য

Deponent.

Annexure - I.

NORTHEAST FRONTIER RAILWAY.

Office of the  
Deputy Chief Engineer/Con.  
Brahmaputra Bridge Project,  
N. F. Railway, Tezpur (Assam).

No. E/227/1(BBQ) Pt. II/1278. Dated - 7.12.83.

To : Shri Rajani Kanta Sat,  
S/O. Sri Laxmi Ram Sat.

Subj:- Appointment in the Construction Organisation.

The undersigned is prepared to offer you a post of  
Casual Khatashi on pay Rs. 9.10 paise per day on your  
acceptance of the following conditions.

- (a) You will be guided under Casual Labour Rules  
applicable to the Project and your engagement is liable  
to be terminated without notice.
- (b) The appointment will not confer on you any rights  
to be regular Railway Servant and will not entitle you  
to the privileges admissible to the temporary and  
regular employees.
- (c) On completion of the work on 30.4.84 as also if  
you are rendered surplus to the requirement whichever  
is earlier you will be discharged and will not be  
transferred to any other unit for absorption.

If you intend to take up appointment on the above  
conditions, please report personally to IOW/CON/1/TZTB

on or.....

*Certified to be  
true copy.  
P. S. Satomah  
Advocate.*

Annex I.

on or before 12.12.83 failing which this offer will be  
lapse/and will not be ~~renewed~~ renewed. Your pay will  
commence from the date of your joining to duty.

---

I hereby accept the above  
service conditions.

Sd/- Sri Rajani Kanta Sat.  
(Signature of candidate)

---

Sd/- Illegible.  
ASSTT. ENGINEER (CON).  
BRAHMAPUTRA BRIDGE PROJECT.  
TEZPUR, ASSAM.

Copy forwarded for information & necessary action to :-

1. IOW/CON/1/TZTB. He will obtain the acceptance of the  
candidate on the space provided for  
record before he is allowed to resume  
duty.

2. XEN/CON/1/TZTB.  
3. .... OS/CON/G/TZTB.  
4. ....  
5. ....

ASSTT. ENGINEER (CON),  
brahmaputra bridge project  
TEZPUR, ASSAM

*certified to be true  
copy.  
P. B. S. Mahanta  
Advocate*

Annexure - II.

NORTHEAST FRONTIER RAILWAY.

Office of the  
Dy: Chief Engineer (Con),  
Brahmaputra Bridge Project,  
Tezpur. (Assam).

No. E/227/1(BBQ)Pt.III/7/51. Dated 31 May '85.

To  
Shri Rajani Kx. Sat,  
O/Khalashi  
(Designation).  
S/O. - Lakhiram Suit,

Through : IOW/Con-I/TZTB.

Consequent on the reduction of establishment  
of this Project, your services will no longer be  
required with effect from 13.6.85 (AN) in this Project.

This may be treated as notice for disengagement  
from service.

Sd/- Illegible.  
ASSTT. ENGINEER(CON)/H.O.

Copy forwarded for information & necessary action to:-  
No. IOW/Con-I/TZTB. He is directed to struck off the  
name of the above staff from the  
Muster Sheet w.e.f. the date of  
disengagement mentioned above.

for Dy. CHIEF ENGINEER (CON),  
N. F. RAILWAY: TEZPUR.

*Certified to be true  
copy.  
P. B. Mahapatra  
Advocate*

ANNEXURE - 'A'.

S/N.	Name.	Father's name.	Whether S/C or S/T.	Date of birth.	Period of service.		Remarks.
					From	To	
1	2	3	4	5	6	7	
1.	Shri Sangai Haque.	Taher Ali.	U. R.	26.1.63.	7.12.83 13.12.84.	30.4.84 13.6.85.	
2.	" Joynai Abedin.	Mamun Ali.	"	30.12.64.	7.12.83 13.12.84	30.4.84. 13.6.85.	
3.	" Samser Ali.	Jamir Ali.	"	30.3.62.	7.12.83 13.12.84.	30.4.84. 13.6.85.	
4.	" Rafique Islam.	Sayed Ali.	"	3.10.57.	7.12.83 13.12.84	30.4.84. 13.5.85.	
5.	" Sohrob Ali.	Mr. Abbas Ali.	"	16.4.65.	7.12.83. 13.12.84.	30.4.84. 13.6.85.	
6.	" Bismillah.	Ujju Mahammad.	"	20.10.59.	7.12.83. 13.12.84.	30.4.84. 13.6.85.	
7.	" Bombahadur Chetty.	B. R. Chetty.	"	30.4.62.	7.12.83. 15.12.84.	30.4.84. 13.6.85.	
8.	" Habibur Islam.	Asrat Ali Ahmed.	"	18.5.65.	7.12.83 15.12.84.	30.4.84. 13.6.85.	

certified true  
copy  
P. H. Sarwan  
Advocate

1.	2	3	4	5	6	7
9.	Shri Dulai Ch. Gogoi.	Gelaram Gogoi.	U. R.	28.8.58.	12.11.83 13.11.84.	30.4.84. 13.6.85.
10.	" Sunil Kr. Das.	Suresh Das.	"	27.2.62.	7.12.83 15.12.84.	30.4.84. 13.6.85.
11.	" Surja Kr. Bamah.	Kanak Ch. Das.	"	15.10.59.	7.12.83 13.12.84.	30.4.85. 13.6.85.
12.	" Abul Jabbar.	Mansur Ali.	"	31.9.65.	8.12.83. 11.1.85.	30.4.85. 13.6.85.
13.	" Mr. Mahaman Baghet Chettry.	Krishna Bahadur Chettry.	"	31.1.62.	9.12.83. 30.1.85.	30.4.85. 13.6.85.
14.	" Abul Hye IV.	Tahemudin.	"	11.1.65.	9.12.83. 25.1.85.	30.4.84. 13.6.85.
15.	Shri Mazumil Islam.	Zafar Ali.	U. R.	28.2.64.	9.12.83. 28.1.85.	30.4.84. 13.6.85.
16.	" Haren Saikia.	Badia Saikia.	"	10.12.60.	7.12.83. 9.2.85.	30.4.84. 13.6.85.
17.	" Rajani Kanta Sat.	Lakshi Ram Sat.	"	6.2.63.	9.12.83 29.1.85.	30.4.84. 13.6.85.
18.	" Dilip Kalita.	Kala Ram Kalita.	"	4.10.65.	6.12.83 11.1.85.	30.4.84. 13.6.85.
19.	" Nagen Kalita.	Beni Kalita.	"	6.12.62.	9.12.83 28.1.85.	30.4.84. 13.6.85.

Sd/- Illegible.  
for Dy. CHIEF ENGINEER (CON).

ee 07/11/84 to be  
true copy.  
P. B. Mahan  
Advocate

Annexure - III.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.

... No. 199 of 1986.

Miss Jina Borah & 17 Ors. .... Applicant.

-vs-

Union of India & 2 Ors. .... Respondents.

**PRESENT :**

The Hon'ble Shri G. S. Sharma, Member.

The Hon'ble Shri J. C. Roy, Member.

For the applicant : Mr. S. S. Sharma, Advocate.

Mr. B. K. Jain, Advocate.

For the respondents : Mr. A. R. Bamooch, Advocate.

Mr. B. K. Sharma, Advocate.

Date of Judgment & Order. : The 17th day of March, 1989.

JUDGMENT & ORDER.

This Civil Rule was filed in the High Court at Gauhati under Articles 226 and 227 of the Constitution of India, on behalf of the petitioners and forty seven other similarly situated casual labourers as public interest litigation petition and was received in this Bench of the Tribunal on its establishment under Section 29 of the Administrative Tribunal Act. As under the Administrative Tribunal Act and the rules framed thereunder by the Central Government, the Tribunal does not entertain public interest litigation petitions, the learned counsel for the applicants

appearing.....

*certified to be  
true copy.  
Prasanna  
Advocate*

appearing before us confined the petition only to the eighteen petitioners named therein.

2. This Civil Rule was filed in the High Court on 30.7.1985, with the allegations that all the petitioners were working as casual labourers in the construction activities undertaken by the Railway Administration for Bihonaraguri Bridge Project (Road Bridge) and they were ready to go and work at any other project under construction of the Railway Administration. It was further alleged that all the petitioners had rendered more than 240 days of service and some of them had rendered the services for many more days and they could not be retrenched without observing the provisions of the Industrial Disputes Act. As the Deputy Chief Engineer, Construction, Brahmaputra Bridge Project, Silghat, respondent No.3 was going to retrench the petitioners and forty seven other persons vide his letter dated 10.7.1985, arbitrarily and illegally, they had prayed that the Court should issue rule forestalling the contemplated termination/retrenchment of the petitioners vide letter dated 10.7.1985 and for directing the respondents to prepare seniority list of the casual labourers in accordance with the directions of the Hon'ble Supreme Court given in bunch writ petitions Nos. 147 of 1983,

etc.....

*Notified to be true  
copy. P.L. Sarmah  
Advocate*



Annex. III.

etc., Inder Pal Yadav & Ors. vs. Union of India & Ors. with the allegations that the act of the respondents is violative of the provisions of Articles 14, 19, 301 and 311 of the Constitution of India and the petitioners are entitled to the job under the Railway Administration on the basis of their past service as casual labourers. It was also alleged that the Railway Administration is having various projects under it and the petitioners are prepared to go anywhere, where they may be sent by the Railways to provide employment to them, if the work in the project, in which they are working at present, has been completed.

3. The petition has been contested on behalf of the respondents and in the reply filed on their behalf by the Dy. Chief Engineer, Construction, N.E. Railway, it has been stated that the petitioners were not working in any other project undertaken by the N.E. Railway and the allegations to the contrary is not correct. He admitted that various projects were in progress undertaken by the N.E. Railway and the allegations to the contrary is not correct. He admitted that various project were in progress under the Railway Administration and stated that it has no bearing so far as the question of retrenchment of the petitioners is concerned. In accordance with the letter dated 8.6.1981,

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P.H. Satomah  
Advocate*

Annex. III.

of the Railway Board, the Executive Engineer is the unit for retrenchment of casual labourers and the retrenchment of the petitioners in their unit was necessitated on the reduction of work-load. The petitioners had not worked under the respondent No. 2, General Manager (Construction), N.F. Railway, and most of them did not complete the service for the requisite period to seek legal benefits on its basis. The letter dated 10.7.1985, relied upon by the petitioners is not a notice of retrenchment, but is merely a letter sent to other units of the N.F. Railway advising them the names of the persons who had been retrenched from the unit of respondent No. 3. This was done for the benefit of the retrenched staff. The retrenchment notice of the petitioners ~~are~~ were otherwise, issued in accordance with the provisions of Section 25-G and 25-F of the Industrial Disputes Act, and the retrenchment of the petitioners having been necessitated by the reduction in work-load is perfect in accordance with law and they have no right to make any grievance against the same. It was also stated that the petitioners have misinterpreted the judgement and observations of the Hon'ble Supreme Court and the respondents have already taken the necessary steps for its implementation of the directions contained therein.

4. At the time of arguments before us, the learned counsel for the petitioners did not raise the question of

retrenchment.....

*certified to be true  
copy. P. S. Sarma  
Advocate*

retrenchment of the petitioners or the breach of any specific rule or law in this connection. The only stress laid on behalf of the petitioners before us was that the Hon'ble Supreme Court had approved a time bound scheme of the Railway Administration in the case of Inder Pal Yadav vs. Union of India & Ors (Supra) and on account of the failure of the respondents to implement the said scheme within the time schedule the petitioners, who are poor people, are suffering. It was also contended that the Hon'ble Supreme Court had nowhere said that the Scheme for the rehabilitation of the ex casual labourers is to be made division wise and the petitioners can be asked to work in division where the work may be in progress.

The stand taken on behalf of the respondents ..... is that the division is to be taken as a unit for the purpose of the employment of casual labourers and the question of their re-employment can be considered only unit-wise and as a right, the ex casual labourers cannot claim their re-employment in any division, in which they had not worked earlier. The learned counsel for the Railways has also pointed out before us that in accordance with the directions of the Hon'ble Supreme Court in the case of Inder Pal Yadav vs. Union of India & Ors. (Supra), a seniority list of the casual labourers has already been prepared and

two of.....

*certified to be true  
CPT. Phasomah  
Advocate*

two of the petitioners have already been absorbed on regular basis and others will be absorbed as and when vacancies arise according to rules. According to him, the petitioners can be given the work only in case of vacancy and the decision of the Hon'ble Supreme Court does not ensure employment to any casual labourer immediately in the absence of any work.

6. After a very careful consideration of the whole matter, we are of the view that the Hon'ble Supreme Court in its judgement in the case of Inder Psi Yadav vs. Union of India & Ors. had specifically mentioned in the last para at page 6 of the copy of judgment filed by the petitioners as Annexure 'B' that a list of project casual labourers with reference to each division of each Railway should be prepared and then the work of absorbing those with the longest service should be started. Thus, the Hon'ble Supreme Court did not have in its mind that the question of absorption of the ex casual labourers is to be dealt with divisionwise and not Railway-wise or at All India Level. In case the said observation had not been made by the Hon'ble Supreme Court, an ex casual labourer could ask for absorption in any part of the country under any Railway Administration under the Union of India. This being not the intention of the scheme of re-employment of the casual labourers, the petitioners cannot ask the respondents to employ them in any other unit, in which they had not worked previously.

certified to be  
true copy P. H. Satnam  
Advocate.

7. Regarding the time of the scheme, in the absence of anything to the contrary, shown on behalf of the petitioners, we have to accept the statement given by the respondents at the Bar that a seniority list of the casual labourers has already been prepared unitwise and two of the petitioners have already been absorbed in accordance with their seniority, thereafter. We are, therefore, of the view that the respondents are trying to implement the directions contained in the judgment of Inder Pal Yadav vs. Union of India & Ors. and the request of the petitioners for providing them employment with immediate effect is not justified or at least does not flow from the decision of the Hon'ble Supreme Court, on which they are basing their claim.

8. As already pointed out above neither the question of retrenchment was pressed before us nor is there any material on record to show that the petitioners were retrenched otherwise than in accordance with law. We further find that the letter dated 10.7.1985, copy Annexure - 'A', filed by the petitioners is not a notice of retrenchment as rightly alleged by the respondents. The petitioners are, therefore, not entitled to any relief, so far as the question of their retrenchment is concerned. The other relief claimed by the petitioners namely, the preparation of the list in accordance with the directions of the Hon'ble

Supreme.....

*certified to be true  
copy. Advocate  
Pr. Sarma*

Annx. III.

Supreme Court, in the case of Inder Pal Yadav vs. Union of India & Ors., has already been granted and only with a view to specifically draw the attention of the respondents to the problem of the petitioners before us, we may, further, add and direct in this connection that they should take up the question of providing employment to the petitioners and their ultimate absorption in accordance with the said scheme expeditiously.

9. The case is disposed of accordingly without any direction as to costs.

Sd/- J. C. Roy,  
17.3.1989.  
Member.

Sd/- G. S. Sharma,  
Member.

*certified to be true copy  
P. H. Sarma  
Advocate*

Annexure - IV.

N. E. Railway.

Office of the  
General Manager (CON),  
Malignon.

No. E/283/CON/CL(2).

Dated - 3.12.98.

To  
DRM(P)/APDJ.

Sub:- Interpolation the name of retrenched casual labour of Construction Organisation along with open line retrenched Casual Labour in the Live Register of TSK Division.

Ref:- This office letter No. E/255/CON/Seniority/CL Pt.I dated 14.8.90.

In Construction Organisation having 17 Nos. retrenched casual labour who belongs to APDJ Division. The bio-data of these retrenched casual labour have already been sent to interpolate their name in the combined seniority list of APDJ Division (Engg. Deptt.) as on 1.4.90.

Accordingly, the name of above retrenched CL have been interpolated in the combined seniority list published vide your letter No. E/57/5(E) AP/Pt.II dated 9.11.90.

In view of above, please let this office know whether the name of above retrenched casual labour borne in the Live Register of APDJ Division and if not please include the name of these retrenched CL in the Live Register to avoid future complication.

The list of 17 Nos. retrenched CL indicating the SL No. of combined seniority list is also enclosed for ready reference.

DA : As above.

Sd/- Illegible.

3.12.98.

FOR GENERAL MANAGER (CON).

*Certified to be true  
Copy.  
P. H. Saranath  
Advocate.*

Annexure - V.

Office of the  
General Manager (CON)  
Maligaon.

No. E/235/CON/CL(2) (Retrenched). Dated 5.01.2000.

To  
DRM(P)/APDU.

Sub:- Screening of Ex. Casual Labour in the live/  
supplementary casual labour Register.

Ref:- Your letter No. E/227/Resv(E) AP dated 17.12.99  
and this office letter No. E/283/CON(2) dt.  
3.12.98 & 14.6.99.

In reference to above this is to inform you that  
there are 17 retrenched casual labour of Construction Organisation  
Organisation who belongs to APDU Division.

Accordingly, list of such staff have already been sent  
to you for inclusion in the Live Register vide this office  
of even number dated 3.12.98 (Copy enclosed). Further, as  
desired by GM(P)/MLG the list with bio data of these 17  
ex. CL have also been sent to GM(P)/MLG.

But no information has yet been received whether  
they have been called for screening test.

Out of 17 ex-casual labour only postal address of  
Shri Rajani Sat appearing at SL No. 6 of the enclosed  
list is available and furnished below for your disposal  
please.

Shri Rajani Sat.  
S/o. Laxmi Kt. Sat,  
Vill.- KAMARCHU BURI,  
P.O.- PITHAKHOWA,  
Dist.: SONITPUR (ASSAM).

Sd/- Illegible.  
5.1.2000.  
(S.K. BOSE),  
APO (CON).  
For General Manager (CON).

*certified to be true  
copy  
P. K. Sarma  
Advocate*



LIST OF UNSKILLED RETRENCHED CASUAL LABOUR OF APDU DIV.

<u>Sl. No.</u>	<u>Name.</u>	<u>Father's name.</u>	<u>Caste.</u>	<u>Date of birth.</u>	<u>Date of engagement.</u>	<u>Date of discharge.</u>	<u>Total working days.</u>	<u>Engaged under.</u>
1.	Sarya Kr. Baruah.	Kanak Ch.	UR	15.10.59.	<u>7.12.83</u> 13.12.84.	<u>30.4.84.</u> 13.6.85.	329.	DY.CE/
2.	Jailaluddin.	Umed Ali.	"	30.12.64.	<u>8.12.83.</u> 13.12.84.	<u>30.4.84</u> 13.6.85.	329	-do-
3.	Sunil Kr. Das.	Suresh Das.	"	27.2.62.	<u>7.12.83.</u> 15.12.85.	<u>30.4.84.</u> 13.6.85.	327	-do-
4.	Habibul Islam.	Asab Ali.	"	7.12.64.	<u>7.12.83</u> 15.12.84.	<u>30.4.84.</u> 13.6.85.	326	-do-
5.	Nagen Kaita.	<del>Ram</del> Benu Kaita.	"	6.12.62.	<u>9.12.83</u> 28.1.85.	<u>30.4.84</u> 13.6.85.	281	-do-
6.	Rajani Kt. Snt.	Laxmi Kt. Snt.	"	6.12.63.	<u>9.12.83</u> 29.1.85.	<u>30.4.84.</u> 13.6.85.	279	-do-
7.	Naren Saikia.	Sonaram.	"	10.12.60.	<u>7.12.83.</u> 9.2.85	<u>30.4.84.</u> 13.6.85.	270	-do-
8.	Narai Islam.	Ashan Ali.	"	3.11.65.	01.12.83.	30.4.84.	251	-do-
9.	Uttam Saikia.	Anharsu.	ST	1.5.62.	7.12.83.	30.4.84.	145	-do-
10.	Safar Ahmed.	Ritab Ali.	UR	31.3.57.	7.12.83	30.4.84.	145	-do-
11.	Hafizuddin.	Ali Akbar.	UR	31.3.57.	7.12.83.	30.4.84.	144	-do-
12.	Abdul Kader.	Sirajuddin.	UR	29.1.62	8.12.83	30.4.84	144	-do-
13.	Anwar Hussain.	Habib Ali.	UR	24.11.62.	8.12.83.	30.4.84.	144	-do-
14.	Jinat.	Tasen Ali.	UR	30.4.85.	8.12.83	30.4.84	144	-do-
15.	Pranab Deka.	Phani Char.	"	30.12.60.	8.12.83.	30.4.84.	144.	-do-
16.	Pradip Kr. Das.	Hrudeswar.	"	1.1.61.	9.12.83.	30.4.84.	143.	-do-
17.	Padmaswar Mech.	Nanda Mech.	ST	30.3.62.	14.12.83.	30.4.84.	138.	-do-

Address :- Sri Rajani Snt,  
Vill. - Kamarchukuri.  
P.O. - Pithakhawa,  
Dist. - Sonitpur (Assam).

certified to be true  
copy  
P. S. Sonitpur  
B. D. C. C.

Annexure - V-A.

N. F. RAILWAY.

Office of the  
General Manager/Con.,  
Malignon.

No. E/235/CON/CL(2) Retrenched.

Dated - 9.8.2000.

To  
DRM(P)/APDJ,  
N. F. RAILWAY.

Sub:- Screening of Ex-Casual Labour in the  
Live/Supplementary Casual Labour Register.

Ref:- This Office letter No. E/235/CON/CL (2)  
Retrenched dated 05.01.2000.

Please refer this office letter of even number dated  
5.01.2000 wherein you were requested for arranging screening  
of 17 (seventeen) ex. casual labour of construction  
organisation borne in the Live Register. But till date no  
intimation has been received the concerned Ex. CL. are  
pressing hard for their regular absorption like other ex. CL.  
who have already been screened in your division.

It is, therefore, requested to finalise the cases  
of 17 ex. Casual Labour of construction organisation.

Sd/- Illegible.

9.8.2K.

(S.K. Bose),  
APO/Con.

for General Manager/Con.

*certified to be true  
copy. P. L. Garg  
Advocate.*

Annexure - VI.

N. F. RAILWAY.

Office of the  
Divl. Ry. Manager (P),  
Alipurthar Junction.

No. E/213/CL(S) AP.

Dated : 26.09.2000.

To  
The General Manager (P),  
N. F. Ry./Malignon.

Sub:- Inclusion of name in the Live/Supplementary  
Casual Labour Register and screening of  
Construction Ex. Casual Labour.

Ref:- This office letter of even number dated  
14.12.99, 16.2.2K. & 16.6.2K respectively.

Kindly refer to this office letter number quoted above  
in which it was intimated that no further Ex. Casual Labour  
come in the Live/Supplementary Casual Labour Register after  
screening of both Open Line and Construction Organisation  
CL/CPE' lastly held on 26.11.96 to 28.3.97.

But now G.M./CON/MLG has sent a list of 17 Nos. extra  
Ex Casual Labour of Construction Organisation vide his letter  
No. E/255/CON/CL(2) Retrenched dated 5.1.2000 and 9.8.2000  
respectively and pressing hard for arranging their screening  
from this end like others as was done previously.

In this connection it is necessary to have your kind  
approval and order if these 17 Nos. Ex. Casual Labour of  
Construction Organisation may be screened as desired by G.M./  
CON/MLG.

Your early decision and reply is awaited for finalisa-  
tion of the issue. The list of 17 Nos. Ex. Casual Labour  
submitted by G.M./CON/MLG is enclosed herewith please.

Sd/- Illegible.

26/9.

For DIVL. RY. MANAGER (P),  
ALIPURTHAR JUNCTION.

Copy to : G.M./CON/Malignon - for information please.

For DIVL. RY. MANAGER (P),  
ALIPURTHAR JUNCTION.

*Confined to be true copy.  
P.A. Subraman  
Advocate.*

36  
Filed  
Alkha Das  
For B.K. Sharma  
Advocate  
2/12/02  
Standing  
Council

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

O.A. No. 352/2001

Shri Rajani Kanta Sut ... Applicant

Versus

Union of India & ors. ... Respondents

25/6

Written statement on behalf of Respondents

The answering Respondents beg to state as follows :

1. That the answering Respondents have gone through the copy of the O.A. as served and they have understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the O.A. are categorically denied. Further, the statements which are not borne on records are also denied.

BRIEF HISTORY OF THE CASE :

The applicant was engaged as casual labour under Deputy Chief Engineer/Construction/Tezpur on 9.12.83 and was discharged on 30.4.84. He was again re-engaged on 29.1.85 and discharged on 13.6.85. Thus on both the occasions, the applicant had rendered 279 days of service. His name was enlisted in the Live Register of Construction Organisation and his name appear at Serial No.21 in order of seniority. Subsequently, his bio-data was sent to DRM(P)/APDJ along with the other casual labours on roll for preparation of combined seniority list. Accordingly, the name of the applicant was interpolated in the combined seniority list as on 1.4.90 at Serial No.2713 published vide DRM(P)/APDJ's Letter No.E/57/5(E)AP/Pt.II dated 9.11.90.

The name of Shri Rajani Kanta Sut has been registered in the Live Register of Construction Organisation for further appointment whenever there is requirement.

25/6/02

gontd.....2

Parawise reply :

2. That with regard to the statements made in paragraphs 4.1 to 4.5 of the O.A., it is denied that the service of the casual labourers were terminated without following the provisions of the Industrial Dispute Act. The answering respondents reiterate and reaffirm the statements made hereinabove.

3. That with regard to the statements made in paragraphs 4.6 and 4.7 of the O.A., the answering respondents reiterate and reaffirm the statements made hereinabove.

4. That with regard to the statements made in paragraph 4.8 of the O.A., the answering respondents state that as indicated above, the applicant has rendered 279 days of service on both the spells. As per initial engagement as casual labour under DY.CE/Con/TZTB, the applicant belongs to APDJ Division.

5. That with regard to the statements made in paragraphs 4.9 and 4.10 of the OA, while denying the contentions raised therein, the answering respondents reiterate and reaffirm the statements made hereinabove. It is not admitted that the applicant has been deprived from absorption on regular basis. His name has been registered in the Live Register maintained by construction organisation and the case will be considered whenever there is requirement of Group 'D' staff.

Contd.....3

27/3-1990

*[Signature]* 25/06/02

37  
*[Signature]* 25/6


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- 3 -

V E R I F I C A T I O N

I, Shri RAJDEV KUMAR GOYAL, aged about 35 years, son of Sh. BALDEV KRISHAN GOYAL, resident of Maligaon, Guwahati-11, presently working as Deputy Chief Personnel Officer (Construction), N. F. Railway, Maligaon, do hereby verify and state that the statement made in paragraphs 2 to 5 are true to my knowledge and those made in paragraph 1 being matters of records are true to my information derived therefrom, which I believe to be true and the rest of my humble submissions before this Hon'ble Tribunal. I am also authorised to competent to sign this verification on behalf of all the respondents.

And I sign this verification on this 25 th day of June, 2002.

  
Deponent