

(DESTRUCTION OF RECORD RULES, 1990)

O.A./T.A No. 255/03.....  
R.A./C.P No.....  
E.P/M.A No.....

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O.A. 243/02 comm adm dt 1.8.03 - prev 1 - Judgment on 212, 244/2002
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5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
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11. Memo of Appearance.....
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14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

**SECTION OFFICER (Judl.)**

20/11/17

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 255 / 03

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Applicants:- Agant Boro Goss

Respondants:- H. O. I. Goss.

Advocate for the Applicants:- B.K. Sharma, U.K. Karir, His H. Dal

Advocate for the Respondants:- Case.

Notes of the Registry	Date	Order of the Tribunal
	5.1.2004	List on 7.1.2004 for admission.

96704229  
3.11.03

mb

ICV Boro  
Member (A)

Steps taken.

Dr.

07.01.2004

Heard Mr. U.K. Nair, learned counsel for the applicants and also Mr. S. Sengupta, learned counsel for the respondents.

The matter is squarely covered by the decision rendered by this Bench in O.A. Nos. 44/2002 and 43/2002 disposed of on 1st day of May, 2003. In view of the matter, the applicants are directed to submit individual representation narrating all the facts to the authority within one month from the date of receipt of the order. If such representation is filed by the applicants, the respondents are directed to consider the same in the light of the decision taken earlier and pass appropriate order within three months from the date of receipt of the representation.

The O.A. is disposed of. No order as to costs.

*KV Pradeep*  
Member (A)

mb

11.2.04

Copy of the order  
has been sent to  
The Dy Sec. for issuing  
the order to the L/Adm  
for the parties.

HS

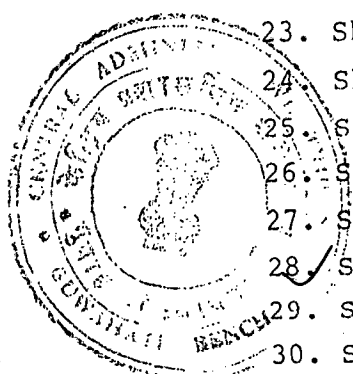
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.43 of 2002.

Date of Order : This the 1st Day of May, 2003.

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

1. Shri Dhaneswar Rahang
2. Shri Lohit Ch. Boro
3. Shri Rati Kanta Boro
4. Shri Monoranhan Dwaimary
5. Shri Manteswar Boro
6. Shri Joy Ram Boro
7. Shri Haricharan Basumatary
8. Shri Durga Ram Daimary
9. Shri Sabjib Boro
10. Shri Khargeswar Swargiary
11. Shri Pradip Kr. Boro
12. Shri Upen Narzary
13. Shri Tarun Ch. Boro
14. Shri Ramesh Ch. Ramchiary
15. Shri Monoranjana Deori
16. Shri Ram Nath Pathak
17. Shri Gopal Basumatary
18. Shri Malin Kr. Das
19. Shri Ranhit Swargiary
20. Shri Ratna Kanta Boro
21. Shri Nirmal Kr. Brahma
22. Shri Monoj Das
23. Shri Mrinal Das
24. Shri Sanjay Kr. Narzary
25. Shri Pankaj Baruah
26. Shri Ajit Kr. Sarania
27. Shri Sunil Ch. Boro
28. Shri Bipin Ch. Boro
29. Shri Nepolion Lahary
30. Shri Rajen Daimary
31. Shri Ansuma Swargiary
32. Shri Suren Daimary
33. Shri Raju Borah
34. Shri Pradip Das
35. Shri Robin Dwaimary
36. Shri Pradib Boro
37. Shri Chandan Dev Nath
38. Shri Kamaleswar Boro
39. Shri Phukan Boro
40. Shri Krishna Ram Boro
41. Shri Ratneswar Boro



5 All Ex-Casual Labourers in the Alipurduar Division, (BG/CON), N.F.Railway. . . . . Applicants.

By Advocates Mr.U.K.Nair & Ms.U.Das.

- Versus -

1. Union of India  
Represented by the General Manager  
N.F.Railway, Maligaon, Guwahati-11.

2. The General Manager (Construction)  
N.F.Railway, Maligaon, Guwahati-11.

3. The Divisional Railway Manager (P)  
Alipurduar Division, N.F.Railways  
Alipurduar.

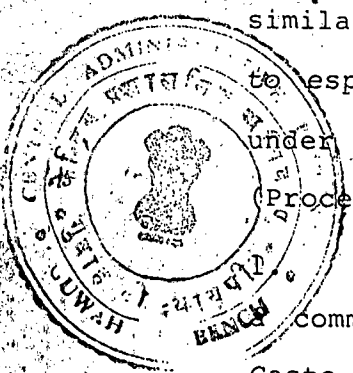
. . . . . Respondents.

By Dr.M.C.Sarma, Railway Standing counsel.

### O R D E R

CHOWDHURY, J.(V.C.):

The applicants are 41 in number claiming absorption/appointment under the respondents as protected class in terms of the policy decision taken by the Railway Administration. Since the facts situation, cause of action and reliefs sought for are same and similar, permission was accorded to the applicants to espouse their cause by way of one single application under rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.



The applicants claim that they belong to community recognised as Scheduled Tribe and Scheduled Caste and are, therefore, entitled to special privileges guaranteed to the protected class in terms of the constitutional provisions. It was averred that these applicants on being selected, were engaged as Casual Labourer and had been working as such. They completed the requisite number of working days to get the temporary status as well as the other benefits under the Scheme, but instead of regularising them in service, they were terminated prior to 1981. In the application it was also mentioned about the circular dated 13.02.1995 issued by the Divisional Railway Manager, Alipurduar, N.F.Railway in respect of Special Recruitment Drive of SC/ST candidates. As a matter

: 3 :

of fact, Special Recruitment Drive was initiated, initially some were regularised leaving the applicants. It was also pleaded that the case of the applicants were forwarded by the competent authority, but since no action taken by the respondents, they moved this Tribunal for redressal of their grievances.

2. Though time granted to the respondents on number of occasions, the respondents did not come forward with the written statement. Dr.M.C.Sarma, learned Standing counsel for the Railways, was requested on the last occasion to obtain necessary instruction on the matter. Dr.Sarma stated that he is yet to obtain necessary instruction and sought for some more time today also for obtaining further instruction. Already sufficient time was granted to the respondents, but no truthful action was taken. In the circumstances, I am not inclined to grant any further time to the respondents, more

in view of the fact that like cases were disposed in O.A.79 of 1996 dated 11.1.1999.

3. I have heard Mr.U.K.Nair, learned counsel for the applicants as well as Dr.M.C.Sarma, learned Standing counsel for the Railways at length. On consideration

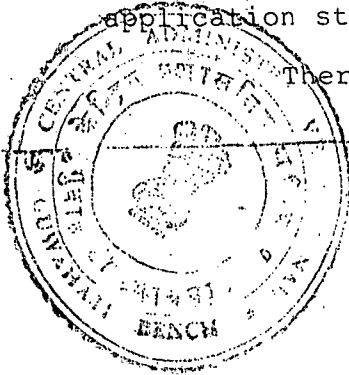
of all the facts and circumstances of the case it appears that the case of these applicants are squarely covered by the decision rendered by this Tribunal in O.A.79 of 1996 dated 11.1.1999. On consideration of all the aspects of the matter, I am of the opinion that ends of justice will be met, if a direction is issued to these applicants to submit individual representations narrating all the facts. Accordingly the applicants are directed to submit individual representations to the authority within a period of one month from the date of receipt of the order. If such representation is filed within the time prescribed, the respondents shall consider the same in the light of the decision

→ taken earlier and pass appropriate order within three months from the receipt of their representations on verification and scrutiny of the documents.

Subject to the observations made above, the application stands disposed.

There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN



Certified to be true Copy  
[Signature]

bb

[Signature]  
19/5/03

Section Officer (D)  
C.A.T. GUWAHATI BENCH  
Guwahati-781005

end

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.44 of 2002.

Date of Order : This the 1st Day of May, 2003.

THE HON'BLE MR JUSTICE D..CHOWDHURY, VICE CHAIRMAN.

1. Shri Suren Ramchiary
2. Sri Ratan Boro
3. Sri Mizing Brahma
4. Sri Rajit Brahma
5. Sri Jaidev Swargiary
6. ✓ Sri Naren Ch. Basumatary
7. ✓ Sri Raj Kumar Mandal
8. ✓ Sri Biren Baishya
9. Sri Angat Das
10. Sri Radha Shyam Mandal
11. Sri Monilal Nurzary
12. Sri Swargo Boro
13. Sri Ramesh Ch. Boro
14. Sri/Biren Baishya
15. Sri Jogendra Pasi
16. Sri Ramjit Das
17. Sri Naren Ch. Boro

All Ex-Casual Labourers in the Alipurduar Division, N.F.Railway.

. . . Applicants.

BY Advocates Mr.U.K.Nair & Ms.U.Das.

- Versus -

1. The Union of India  
Represented by the General Manager  
N.F.Railway, Maligaon, Guwahati-11.

2. The General Manager (Construction)  
N.F.Railway, Maligaon, Guwahati-11.

3. The Divisional Railway Manager (P)  
Alipurduar Division, N.F.Railways  
Alipurduar.

. . . . Respondents.

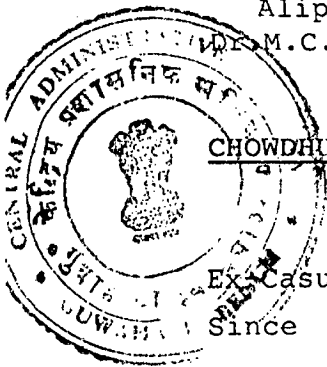
Dr.M.C.Sarma, Rly.Standing Counsel.

O R D E R

CHOWDHURY J.(V.C.):

The applicants are 17 in number, who are the Ex-Casual labourer in Alipurduar Division, N.F.Railways. Since the cause of action as well as reliefs sought for are same and similar, the applicants were granted leave to espouse their cause by one single application in terms of the rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

1. In this application the applicants sought for



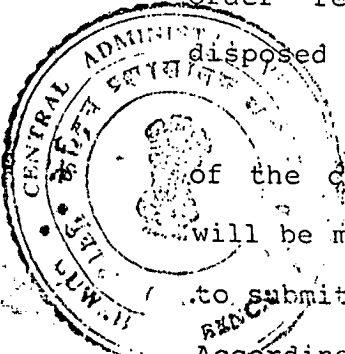


directions to the General Manager, N.F.Railway, Maligaon to issue necessary approval towards engagement of the applicants made on after 1.1.1981 and also to confer the benefits to them as casual labourers under the rules and thereafter regularise their appointment to fill up the backlog vacancies meant for Scheduled Tribe candidates. In this application the applicants claimed that they belonged to the protected class of persons listed as Scheduled Tribe and Scheduled caste/entitled for the constitutional guarantee provided by the Constitution. It was also pleaded that the applicants, on being selected, were engaged as casual labourer and were continuing as such. They completed the requisite number of working days, entitled for conferment of temporary status. However, instead of regularising their services, they were terminated prior to 1981. The applicants also referred to steps taken by the Railway authority to fill up the reserve vacancies by way of a Special Recruitment Drive vide circular dated 13.02.1995. Mr.U.K.Nair, learned counsel for the applicants, invited my attention to the communication No.6/37/2000-Gen/01 dated 26.4.2001 sent by the Director of National Commission for Scheduled Castes & Scheduled Tribes, State Office, Guwahati, Govt. of India addressed to the General Manager (P), N.F.Railway and stated that in the aforementioned list of 120 ex.casual labourers, were forwarded by DRM(P)/APDJ to GM/Com/MLG for verification vide endorsement dated 10.7.1995, the name of the applicants also appeared. But their names are not yet approved, by the authority and till now no action has been taken for their absorption.

2. Dr.M.C.Sarma, learned Standing counsel appearing for the Railways, however, stated that in the absence of necessary instruction, he is not in a position to assist the Court on the factual matter. Dr.Sarma, however, stated that the Railway authority in terms

of the policy made all endeavour to regularise the persons included in the reserve vacancies as per law. Dr.Sarma submitted that in this case also the authority might have taken the necessary steps as per law.

3. I have given my anxious consideration on the matter. The policy of recruitment of the listed class is not in dispute. Dr.Sarma, however, stated that the claim of the applicants need to be scrutinised and examined and without that no steps can be taken. Mr.U.K.Nair, learned counsel for the applicants, on the other hand, placed before me the judgment and order rendered by this Tribunal in O.A.79 of 1996 disposed on 11.1.1999.

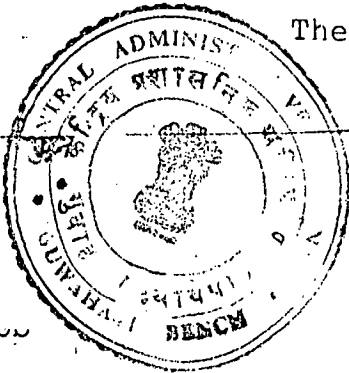


Considering all the facts and circumstances of the case, I am of the opinion that ends of justice will be met, if a direction is issued to these applicants to submit individual representations before the authority. Accordingly, the applicants are directed to submit individual representations before the authority narrating their grievances within a period of one month from the date of receipt of the order. If such representation is made within the time prescribed, the respondents shall examine the respective cases and scrutinise and verify their claims. If the applicants fulfil the requirement, the authority shall consider their case for absorption against available vacancies as per law. It is expected that the authority shall take all the necessary steps for expeditious disposal of the matter and shall complete the process within three months from the receipt of the representations. While considering the claims of these applicants the respondents authority shall also take into consideration the memorandum No.E/227/RC SV(E) AP dated 21.4.2000 issued by the Divisional Railway Manager(P)APDJ, N.F.Railway, whereby the authority approved the result of the screening test

in view of the policy decisions of the Govt. of India.

Subject to the observations made above, the application stands disposed.

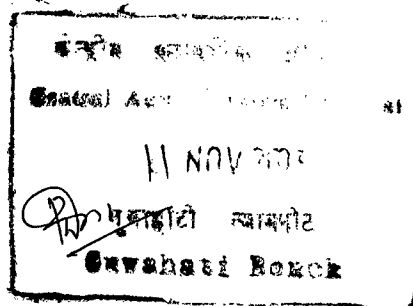
There shall, however, be no order as to costs.



Sd/VICE CHAIRMAN

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সত্যি সত্যি

*[Signature]*  
19/5/03  
Section Officer (J)  
C.A.T. GUWAHATI BENCH  
Guwahati-781005



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA No. 255 /2003

BETWEEN

Ajant Boro & Ors.

... Applicants

- versus -


Union of India & Ors.

... Respondents

I N D E X

<u>SL. No.</u>	<u>Particulars of the documents</u>	<u>Page No.</u>
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Filed by : 

Advocate

File : WS4\ss\oa3 (old)

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
GUWAHATI

O.A. No. 255 of 2003

BETWEEN

1. Ajant Boro
2. Ananta Swargiary
3. Kartik Narzary
4. Robindra Boro
5. Kanistha Basumatary
6. Moukthang Daimary
7. Dinesh Ch. Boro
8. Bipin Daimary
9. Achut Ramchiary
10. Bapuram Boro
11. Maheswar Boro
12. Girish Ch. Basumatary
13. Budhan Ramchiary
14. Lachit Kr. Basumatary
15. Dilip Choudhury
16. Bhubaneswar Daimary
17. Nandi Daimary
18. Wargbaram Daimary
19. Pabitra Wary
20. Monoj Kr. Basumatary
21. Upen Boro
22. Jiten Boro
23. Biresch Ch. Boro
24. Bipul Ramchiary
25. Lakhi Boro

*Filed by  
the applicants through  
Bomolona Devi  
Advocate 13  
4/11/03*

*JB*

26. Rajen Swargiary
27. Maniram Boro
28. Samala Boro
29. Lachit Ch. Boro
30. Ratan Ch. Boro
31. Ramnath Thakuria

... Applicants

- AND -

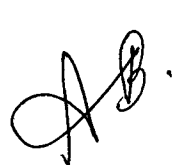
1. The Union of India, represented by the General Manager, NF Railway, Maligaon, Guwahati-11.
2. The General Manager (Construction), NF Railway, Maligaon, Guwahati-11.
3. The Divisional Railway Manager (P), Alipurduar Division, NF Railway, Alipurduar.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The instant application is not directed against any particular order, but is directed against the inaction on the part of the Respondent authorities in considering the cases of the Applicants for absorption against Grade-D post and in also denying to them their legitimate benefits flowing from the service rendered by them as casual labourers. This application is also directed against the discriminatory action of the Respondent authorities in not granting ex-post facto approval to their appointments as casual labourers



while granting the same to other similarly situated persons.

2. JURISDICTION OF THE TRIBUNAL :

The Applicants declare that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicants further declare that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicants are citizens of India and are permanent residents of Assam and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India. The Applicants further state that they belong to the Schedule Tribe (ST) and Schedule Caste (SC) communities and as such are also entitled to the special privileges guaranteed under the Constitution of India and the laws framed thereunder.

The Applicants are all Ex-Casual Labourers and the grievances raised and the relief prayed for in this application are common and similar to all the applicants. As such, the Applicants crave leave of this Hon'ble Tribunal to allow them to join together in a Single petition, invoking its powers under Rule 4. (5) of the Central Administrative Tribunal (Procedure) Rules, 1987.

AB.

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4.2 That the Applicants beg to state that pursuant to their selection, they were appointed as casual labourers by the Respondent authorities. The Applicants joined their duties on various dates and discharged the responsibilities entrusted upon them to the best of their abilities and without blemish to any quater. During their period of engagement as such, the Applicants acquired the qualification required for conferment of the benefits of temporary labourers as well as other consequential benefits flowing therefrom.

4.3 That the Applicants state that they belong to the most economically backward sections of the society and discharged their duties without any blemish. The remuneration received from their engagement as casual labourers was their only ray of hope for sustaining the livelihood of their families. Poised thus, the Applicants were shocked and surprised on the action of the Respondent authorities in discharging them from services on different dates respectively. The Applicants were not in the know how regarding the rights and the protections available to them against the arbitrary and illegal action on the part of the Respondents. The modus operandi adopted by the Respondents were such that the Applicants were verbally asked not to come to work and no formal written orders were issued in that regard. Even after discharge from services the Applicants continued to serve the Respondents in various projects launched by them.

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4.4 That the Applicants state that a procedure is in practice in the railways wherein a live registrar is maintained incorporating therein the names of all the casual labourers in order of seniority. Names of discharged employees also find a place in the said registrar and any future vacancies in the Grade-D are to be filled from this live registrar and persons whose name figures in the said registrar are to be given preference. By virtue of their services under the Respondents, the names of the Applicants also must figure in that live/supplementary registrar.

4.5 That the Applicants state that on pressure being mounted on the Respondent authorities by organisations fighting for the rights of the Applicants and the repeated plea made by the few of the Applicants and some similarly situated persons, the Respondents carried out a special recruitment drive in order to clear the back log of SC/ST Applicants in Group-D. As directed the Applicants preferred individual applications showing their willingness for being considered for appointment against any Group-D post and basing on the applications so received a list of such persons was prepared. In the said list the service particulars of all the persons were also furnished. Further, a supplementary list was also published with the relevant particulars of all the Applicants. Mere perusal of the statements showing the service particulars of the Applicants would clearly go to show that all the Applicants have got the requisite number of working days under their belt for entitling them for

AB.

conferment of the benefits of temporary status and regularisation.

A copy of the said statement is annexed hereto as Annexure-1.

4.6 That the Applicants state that on receipt of applications from persons similarly situated, it was noticed that some of them belonged to the construction wing of the Railways and as such correspondence was made with the concerned authorities of the said wing for furnishing the service particulars of those persons for consideration of their cases for absorption against the available Group-D posts. It may be mentioned here that although amongst the Applicants there were persons who belonged to the said construction wing but, no steps were taken towards acquiring the service particulars of these persons and the whole process was carried out in a pick and choose manner.

4.7 That the Applicants beg to state that on verification and cross verification the Respondent No. 2 confirmed the service particulars of the persons referred to them. As the names of the Applicants were not forwarded to the said wing of the Railways, they were denied an opportunity of having their service particulars confirmed and deprived of an opportunity for consideration of their names for regular appointment in the Railways.

4.8 That the Applicants state that the service particulars of similarly situated persons were confirmed by the Respondent No. 2 and process was

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- 7 -

initiated for grant of Ex-post facto approval by the General Manager. The Applicants were also assured the same treatment i.e. after the aforesaid development the same process would be initiated in their cases too. As such, the Applicants were under a legitimate expectation that they too would be considered for appointment on regular basis as has been done in the case of others, it turned to be nothing but yet another one of such blank assurances.

4.9 That the Applicants state that against the backdrop of the said facts, some ex-casual labourers who were similarly situated approached this Hon'ble Tribunal by way of an Original Application being OA No. 79/1996 inter alia praying for direction to the Respondent authorities for their absorption against the back log vacancies available for the SC/ST candidates. This Hon'ble Tribunal upon hearing the parties was pleased to dispose of the said OA directing the Respondent to consider their cases for appointment within the time limit specified therein.

4.10 That the Applicants state that the Applicants in OA No. 99/96 preferred representations as directed but the same was not attended to. The Respondents in the month of December 1999, issued call letters to persons to persons similarly situated like the Applicants on a pick and choose basis, for attending a screening for absorption against a Group-D post. The Applicants were not issued called letter and were kept in the dark regarding the whole selection process. The entire

exercise was carried out behind the back of the Applicants.

4.11 That the Applicants state that although they were similarly situated with the persons in OA No. 99/96 their cases were not considered in the screening held under the Respondents and were deprived of an opportunity for being considered for appointment on a regular basis under the Respondents. The persons called for the screening process were the only ones who were selected for appointment and this aspect of the matter would be clear by mere perusal of the office Memorandum dated 21.4.2000 issued by the Respondent No. 2. Mention may be made here of the fact that the persons so selected for appointment are either equal in rank/seniority or junior to the Applicants as regards their date of joining of service under the Respondents and as such the Applicants were discriminated against.

A copy of the said letter dated 21.4.2000 is annexed hereto as Annexure-2.

4.12 That the Applicant states that the persons so screened and selected vide annexure-3 memorandum dated 21.4.2000 have been appointed against vacancies available in Group-D post and for this the necessary post facto approval was also given by the General Manager, NF Railway. But, the Applicants who were similarly situated persons were deprived of this benefit.

4.13 That the Applicant states that having learnt regards the deprivation meted out to them as regards

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their appointment, they brought the matter to the light of the All India SC and ST Railway Employees Association who subsequently appraised the National Commission for SC and ST regarding the grievances of the Applicants. The organisation persuing the cause of the Applicants have all along been urging the Respondents to initiate steps towards regularising the services of the ex-casual labourers. Be it stated here that the organisation fighting for the rights of the Applicants also recommended and submitted the Applicants name.

4.14 That the Applicant states that despite the repeated requests made by the organisations striving to bring justice to the Applicants, the Respondent have failed to take any action for considering the case of the Applicants as has been done in the case of 49 similarly situated persons. Due to this inaction and discriminatory effective on the part of the Respondents, the Applicants continues to suffer.

4.15 That the Applicant states that there is no dispute as regards the fact that the Applicants were all appointed as casual labourers at different point of time under the Respondent authority and they having expressed their willingness for being appointed against any Group-IV vacant post, it was incumbent on the Respondents to make necessary arrangements for their appointment as such. The pick and choose procedure adopted in this regard have resulted in the Applicants being discriminated against.

AB

4.16 That the Applicant states that pending consideration of their cases for appointment, the Respondents have issued advertisement inviting applications from fresh candidates for filling up of the post of Trackman under a special recruitment drive for the SC and ST. As many as 595 posts have been advertised for. The Respondents ought to first clear the back log of ex-casual labourers before issue of any fresh advertisement for recruitment as because a right for accrued to the Applicants for getting preference in matters of appointments by virtue of themselves being ex-casual labourers. Be it stated here as gathered, the process as initiated vide the said advertisement is yet to be taken to its logical conclusion and the vacancies as advertised still exist.

A copy of the said advertisement is annexed as Annexure-3

4.17 That the Applicant states that in the event the process initiated vide Annexure-4 advertisement for filling up of the existing vacant posts is taken to its logical conclusion, the Applicants who are entitled for appointment against the said vacant Grade-D posts as a matter of preference would be deprived of their legitimate right and as such Your Lordships may be pleased to pass an interim direction as has been prayed.

4.18 That the Applicants beg to state that in the event Your Lordships being pleased to pass an interim direction, as has been prayed for, the balance of

AB.

convenience would remain in favour of the Applicants inasmuch as the Applicants are entitled for being appointed against the existing Group-D post and further till date in precedence to the Annexure-4 advertisement.

4.19 That against the backdrop of the above mentioned factual position persons similarly situated like the applicants herein had approached this Hon'ble Tribunal by way of filing O.A No. 79/1996 and this Hon'ble Tribunal vide order dated 11.1.1999 pleased to dispose of the same with a direction for the cases of the said applicants. The applicants herein are similarly placed and in the event their cases are also examined by applying the same yardsticks, there exists no any earthly reason for any further deprivation being meted out to them.

A copy of the order dated 11.1.99 is annexed as Annexure-4.

4.20 That this application has been made bonafide and to secure the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the impugned action on the part of the Respondent authorities are not sustainable and in clear violation of the principles of natural justice in addition to being arbitrary, illegal and discriminatory.

5.2 For that the Applicants being ex-casual labourers and their names having figured the line/supplementary register, are entitled to the benefits under the rules

AB.

and the Respondents cannot perpetually discriminate between similarly situated persons.

5.3 For that the Respondents cannot take advantage of the fact that the Applicants belong to the lowest stratum of the society and their ignorance their rights. The Applicants being members of the ST community and entitled to special privileges.

5.4 For that similarly situated persons having already been considered for appointment, the Applicants cannot be deprived of an opportunity of consideration of their services.

5.5 For that in any view of the matter the entire action of the respondent are liable to be set aside and quashed.

The applicants crave leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicants declares that he has no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicants further declare that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

AB



8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondents to consider the cases of the Applicants appointing them against the vacant Group-D posts available for filling up of SC/ST backlog vacancies.

8.2 To direct the General Manager, NF Railways, Maligaon to issue necessary approval towards the appointments of the Applicants.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the Applicant is entitled to.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of this application, the Applicant prays that Your Lordships would be pleased to direct the Respondent authorities not to fill the vacancies advertised vide Annexure-4 advertisement.

10. ....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 96 704224
- ii) Date : 3-11-03
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

AB

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

I, Sri Ajant Boro, aged about 38 years, son of Mominam Boro, resident of Bongaigaon, do hereby solemnly affirm and verify that the statements made in paragraphs 1.1-4.4, 4.6-4.10, 4.12-4.15, 4.17, 4.18, 4.20 are true to my knowledge; those made in paragraphs 4.5, 4.11, 4.16, 4.19 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 2nd day of October, 2003.

Ajant Boro

Deponent

Sl.No.	Name	Father's Name	Working Period	Remarks
1.	Aiant Boro	Maniram Boro	3.5.84 to 31.12.84	Bongzigaon
2.	Ananta Swargiar	Late Bimal Swargiar	3.5.84 to 31.12.84	"
3.	Karik Narzary	Bavaram Narzary	1.5.84 to 31.1.85	"
4.	Robindra Boro	Chandra Kanta Boro	13.6.85 to 30.4.86	"
5.	Kanishtha Basumatary	Jagendra Basumatary	31.6.85 to 30.4.86	"
6.	Muktang Doimary	Langa Doimary	1.5.84 to 31.5.84	"
7.	Dinesh Ch. Boro	Anaram Boro	3.5.84 to 31.12.84	"
8.	Bipin Doimary	Nabin Ch. Doimary	13.4.85 to 30.4.86	"
9.	Achut Ramchiary	Rajen Ramchiary	13.6.85 to 30.4.86	"
10.	Bapuram Boro	Monon Boro	13.6.85 to 30.4.86	"
11.	Maheswar Boro	Late Benga Boro	1.5.84 to 31.4.84	"
12.	Girish Ch. Basumatary	Sambat Basumatary	1.4.85 to 31.6.84	"
13.	Budhan Ramchiary	Madhat Ramchiary	13.6.85 to 30.4.86	"
14.	Lalit Kr. Basumatary	Punuram Basumatary	1.4.84 to 31.12.84	"
15.	Dilip Choudhury	Rameswar Choudhury	1.2.84 to 31.12.84	"
16.	Bhubaneswar Doimary	Late Khoja Doimary	1.5.84 to 31.12.84	"
17.	Nandi Doimary	Jatiz Doimary	1.5.84 to 31.12.84	"
18.	Wargaram Doimary	Mayaram Doimary	1.5.84 to 31.12.84	"
19.	Pabitra Wary	Mahin Wary	1.6.85 to 31.12.85	"
20.	Monoj Kr. Basumatary	Jageswar Basumatary	1.5.84 to 31.12.84	"
21.	Upen Boro	Sonoda Boro	1.5.84 to 31.12.84	"
22.	Aten Boro	Late Bipin Boro	1.4.84 to 30.9.84	"
23.	Birash Ch. Boro	Jagen Boro	13.6.85 to 31.4.86	"
24.	Bipul Ramchiary	Agin Ramchiary	1.5.84 to 31.5.85	"
25.	Lakmi Boro	Nowa Boro	1.2.84 to 31.12.84	"
26.	Rajen Swargiar	Habiram Swargiar	3.5.84 to 31.12.84	"
27.	Maniram Boro	Umesh Boro	1.5.84 to 31.12.84	"
28.	Samala Boro	Hasaram Boro	1.2.84 to 13.12.84	"
29.	Lalit Ch. Boro	Durga Boro	13.5.85 to 31.4.86	"
30.	Ratan Ch. Boro	Jamuna Boro	2.4.84 to 31.12.84	"
31.	Ramnath Thakuria	Doyal Thakuria	13.6.86 to 31.12.86	"

ANNEXURE - I

ANNEXURE - ①

Attested  
  
 Advocate

# Northeast Frontier Railway

MEMORANDUM : No.E/227/FC SV(E) AP

The result of the screening test held on 13.1.2000 in the screening of Ex: ST Casual labour of Construction Organisation and FCW Units are furnished below. The following Ex: ST Casual labour of Construction Organisation and retrenched Casual labour of FCW Units who worked in the territorial jurisdiction of this Division, their names are arranged in order of seniority based on total number of service put by them.

The result of screening test has been approved by ADM/APD on 19.4.2000.

Sl. No.	Name	Father's name.	Under whom worked.	Date of birth.	Date of first engagement.	Total days.	Whe-ther SC/ST.	Educational qualification.
1	2	3	4	5	6	7	8	9
	S/Sr.H.							
1.	Ganesh Narjinary	D. Narjinary	GM/CON/MLG	20.11.65	1.5.84	975	ST	VIII passed.
2.	Keshab Ch. Boro	Kamala Kanta Boro	-do-	23.9.66	5.8.84	879	ST	VIII passed.
3.	Bhubaneswar Boro	Janaki Boro	-do-	13.3.65	27.3.84	847	ST	IX passed.
4.	Amir Boro	Lt. Lati Ram Boro	-do-	3.1.66	27.3.84	817	ST	X passed.
5.	Pratap Kherkatary	N. Kherkatary	-do-	3.2.65	27.3.84	817	ST	IX passed.
6.	Mordram Swargiary	Lt. J. Swargiary	-do-	31.3.66	27.3.84	817	ST	IX passed.
7.	Patil Ch. Kalita	Lt. Jogeswar Kalita	SEN/FCW/MLG	31.12.59	10.6.82	724	UR	X passed.
8.	Ananda Ramchiary	Lt. M. Ramchiary	GM/CON/MLG	21.3.66	20.4.84	600	ST	IX passed.
9.	Hireswar Boro	Jeolaram Boro	-do-	16.7.66	20.9.84	680	ST	IX passed.
10.	Rupan Ch. Brahma	Dhapan Brahma	-do-	1.2.66	1.5.84	610	ST	IX passed.
11.	Hari Chandra Boro	Nepat Boro	-do-	3.5.67	1.5.85	610	ST	VIII passed.
12.	Arabinda Boro (I)	Dhandra Boro	-do-	1.4.67	1.5.85	610	ST	IX passed.
13.	Dwipen Boro	Hari Chandra Boro	-do-	27.5.66	1.8.84	590	ST	IX passed.
14.	Jadav Swargiary	Powl Swargiary	-do-	27.3.66	1.7.84	588	ST	IX passed.
15.	Khagendra Nath Boro	Belaram Boro	-do-	1.3.66	1.5.86	455	ST	IX passed.
16.	Jogen Boro	Khaniram Boro	-do-	20.10.65	1.8.84	518	ST	X passed.
17.	Mrinal Chakraborty	Lt. Khagendra Chakra- borty	SEN/FCW/MLG	1.1.63	19.7.84	408	UR	S.F. passed.
18.	Tapan Seal	Amritlal Seal	-do-	3.8.60	22.7.78	404	UR	S.F. Failed.
19.	Pradip Kr. Boro	Nabin Boro	GM/CON/MLG	1.10.66	13.6.85	322	ST	IX passed.
20.	Ranjit Brahma	Lt. N. Brahma	-do-	1.10.66	13.6.85	322	ST	IX passed.
21.	Aravinda Boro (II)	Naren Ch. Boro	-do-	20.6.67	13.6.85	322	ST	X passed.
22.	Phulbari Basumatary	Maheswar Basumatary	-do-	23.6.67	13.6.85	322	ST	VIII passed.
23.	Bimal K. Basumatary	Girish Kr. Basumatary	-do-	2.4.67	13.6.85	321	ST	IX passed.

(contd... 2..)

Attested  
Signature

28  
Signature

-17-

(2)

1 2 3 4 5 6 7 8

S/Shri,

24. Ashok Ramchary	Lt. M. Ram Basumatary	GM/CON/MLG	11.3.67	11.85	304	ST	IX passed.
25. Bhabit Boro	Patil Boro	-do-	30.3.67	11.85	304	ST	VIII passed.
26. Damahuram Deka	Bhekularam Deka	-do-	27.3.67	8.04	275	ST	IX passed.
27. Kamalleswar Boro	B.R. Boro	-do-	1.1.68	4.85	275	ST	IX passed.
28. Anil Kr. Yadav	J.P. Jadav	SEN/FCW/MLG	15.2.67	0.6.85	261	OB	VIII passed.
29. Uttam Ch. Boro	Baliram Boro	GM/CON/MLG	2.1.68	5.86	243	ST	-do-
30. Karuna Kanta Swargiary	Katiram Swargiary	-do-	1.3.66	0.4.86	243	ST	-do-
31. Samala Boro	Lt. Mangla Boro	-do-	15.6.66	1.85	239	ST	-do-
32. Hari Chandra Boro	Lt. Umesh Boro	-do-	3.2.65	5.84	214	ST	-do-
33. Manoswa Swargiary	Lt. D.R. Swargiary	-do-	1.3.65	7.85	214	ST	-do-
34. Manoswa Swargiary	Ratim Swargiary	-do-	30.5.67	6.05	214	ST	-do-
35. Rukmal Basumatary	B. Basumatary	-do-	1.1.67	8.85	212	ST	-do-
36. Arun Boro	Lt. Siren Boro	-do-	1.3.67	1.85	184	ST	IX passed.
37. Heramba Kr. Daimary	Phisala Daimary	-do-	1.3.67	6.85	184	ST	-do-
38. Ratiram Boro	Lt. Jogendra Boro	-do-	31.1.66	4.54	163	ST	-do-
39. Rajendra Daimary	Donda Daimary	-do-	30.11.65	5.64	153	ST	VIII passed.
40. Golak Ch. Boro	Dabar Boro	-do-	3.2.66	4.84	153	ST	-do-
41. Subhas Boro	Anaram Boro	-do-	17.2.66	4.84	153	ST	IX passed.
42. Moniram Boro	Lt. Umesh Ch. Boro	-do-	21.3.66	8.25	153	ST	-do-
43. Krishna Basumatary	Goni Basumatary	-do-	7.1.67	11.85	151	ST	-do-
44. Narayan Basumatary	Rajendra Basumatary	-do-	1.3.66	3.4.85	141	ST	-do-
45. Jitendra Boro	D.R. Boro	-do-	1.2.65	5.84	123	ST	-do-
46. Sakul Ch. Boro	Moraram Boro	-do-	20.8.66	5.64	123	ST	-do-
47. Prafulla Swargiary	N.C. Swargiary	-do-	30.6.67	8.85	123	ST	-do-
48. Gajendra Nath Boro	D.N. Boro	-do-	2.1.60	2.5.79	121	ST	S.F. Passed.
49. Paresh Boro	Anaram Boro	-do-	20.9.67	12.85	121	ST	IX passed.

Copy forwarded for information & necessary action to :-

- 1) GM(P)/MLG. (2) SPO/RESV/MLG. (3) GM/CON/MLG. SPO/HG/MLG.
- 4) DY. SEC/CON/MLG. (5) SEN/FCW/MLG. (6) DRM(W)/APDJ.
- 7) Divl. Secy./AFREU/APDJ. (8) Convener/NFRMU/APDJ. (9) Divl. Secy./AISTREA/APDJ.
- 10) C.A. to Sr. DPO/APDJ. (11) C.M.S./APDJ.

(sdas/214Y2K)

AMGICM  
Advocate

For DIVL. RLY. MANAGER(P)  
ALIPURJUA JUNCTION.

21/4/2000  
21/4/2000  
29

- Closing Date : 22 Nov. 2001

**Special drive for filling up of SC/ST backlog vacancies (Total number : 615)**

1. *Chlorophyll a* (Chl *a*)

19-20  
7847  
31  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ANNEXURE-24

Original Application No. 79 of 1996.

Date of decision : This the 11th day of January, 1999.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Shri Ananda Ramchiary & 31 Others.

All are ex-casual labourers  
in the Alipurduar Division,  
N.F. Railway.

Applicants

By Advocate Mr. S. Sarma.

-versus-

1. Union of India,  
represented by the General Manager,  
N.F. Railway,  
Maligaon, Guwahati-11.
2. The Divisional Railway Manager (P),  
Alipurduar Junction,  
Alipurduar.
3. The General Manager (Construction),  
N.F. Railway, Maligaon,  
Guwahati-11

..... Respondents

None appears on behalf of the respondents.

ORDER

BARUAH J (V.C.).

Thirty two applicants have filed this present application. Permission as per the provisions of Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 was granted by order dated 28.5.96.

2. In this application the applicants have prayed for directions to the General Manager, N.F. Railway, Maligaon, to issue necessary approval towards

B  
Attested.  
Advocate

of the applicants made on or after 1.1.1981 and also to confer the benefits to the applicants as casual labourers under the rules and thereafter appoint the applicants against the available backlog vacancies meant for Scheduled Tribe candidates and another reliefs they are entitled to.

3. All the applicants belong to a community recognised as Scheduled Tribe and therefore they are entitled to special privileges under the Constitution. The applicant on being selected, were engaged as casual worker and had been working as such. They worked the requisite number of working days to get temporary status as well as other benefits under the Scheme. However, service of the applicants had been terminated prior to 1981. Thereafter, in the year 1995, the Divisional Railway Manager, Alipurduar Junction, N.F. Railway, issued a circular dated 13.02.1995 regarding Special Recruitment Drive of SC/ST candidates. As per the said circular in order to clear the backlog of SC/ST Group 'D' recruitment categories in terms of GM(P)/MLG's letter dated 1.7.1993, special recruitment drive was under the process and due to non-availability of Scheduled Tribe candidates amongst the existing casual labourers in combined seniority list, a list of SC/ST ex-casual labour of open line

Contd...

Attended  
Advocate



and construction organisation was submitted by the Divisional Secretary AISCTERA/APDJ. In the said list names of 56 numbers of construction ex-casual labour was submitted. Pursuant to this list, the name of the applicants were included. However, name of the applicant No. 18 was not in the said list.

4. Heard Mr. S.Sarma, learned counsel appearing on behalf of the applicants.

5. Mr. Sarma submit that the authority after having decided to engage casual workers and application having been forwarded except the applicant No.18 they ought to have been engaged but nothing was done. Mr. Sarma further submits that non-action of the authorities to engage the applicants giving all the benefits they are entitled to under the scheme has caused great hardships to the applicants besides they are being prejudiced. Therefore he prays a direction to the respondents to act in terms of the decision taken by the authorities concerned as mentioned above.

6. On hearing the counsel for the applicant and on perusal of the application we feel it will be expedient if the applicants file representation giving details about their grievances within a period of one month from the date of receipt of this order. If such representation is filed within this period,

Contd...

2  
Attached  
Advocate

the authority shall consider the same and take a decision regarding engagement of the applicants. (As the respondents have already taken a decision to engage the applicants there may not be any difficulty in taking such decision.)

7. We, therefore dispose of this application with direction to the respondents to consider the case of the applicants if any representation is filed within one month from the date of receipt of this order and respondents shall take decision regarding the engagement of the applicants within two months thereafter.

8. Considering the facts and circumstances of the case, we however, make no order as to costs.

sd/VICE CHAIRMAN  
d/MEMBER (Admin)

trd

Amended  
Advocate