

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A.T.A No. 227/2004

R.A/C.P No.

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3. Judgment & Order dtd. Received from H.C/Supreme Court
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SECTION OFFICER (Judl.)

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 227/04
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicants: Kanti Kumar Das

Respondents: n. o. I case

Advocate of the Applicants: Mr. Sarbeshwar Das
Ranjita Verma

Advocate for the Respondents: CASE

Notes of the Registry	Date	Order of the Tribunal
<p>The application is filed/C.F. deposited with No. <u>206/13606</u> Dated <u>17.8.04</u></p> <p><u>[Signature]</u> Dy. Registrar</p> <p><u>Steps taken with envelopes</u></p> <p><u>Page nos. 84 and 87 not legible. Type copy is submit for Hon'ble court.</u> <u>27/9/04</u></p> <p><u>Type-copy is submitted with Application</u></p>	<p>30.9.2004</p>	<p>Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman. The Hon'ble Mr. K.V. Prahladan, Member (A).</p> <p>Learned advocate for the applicant seeks leave to amend the title in respect of respondent no.1 by replacing the same by Chairman, Railway Board. Leave to amend is granted. Detail address of respondent no.1 be given in the title. The amendment to be carried out within 15 days from today by learned counsel for the applicant.</p> <p>Thereafter, notice be issued to respondents, returnable on 22.11.2004. Mr. J.L. Sarkar, learned Advocate accepts notice on behalf of respondent no.2. A copy of the petition and other annexures be furnished to him by learned Advocate for the applicant.</p>

[Signature]
Member (A)

[Signature]
Vice-Chairman

bb

28/9/04
Notice & order dt. 30/9/04
sent to D/section for issuing
to resp. Nos. 1 & 3, by regd.
A/D post. [Signature]
12/10 S/R awaited

2

22.11.2004

Heard Mr. S. Das, learned counsel for the applicant and Ms. B. Devi, learned counsel for the respondents.

The application is admitted. Six weeks time is given to the respondents to file written statement.

List on 7.1.2005 for orders.

6-1-05
1 No-WS has been filed
4 5/12- admitted

[Signature]
Member (A)

mb

07.01.2005

List on 10.01.2005 for orders.

[Signature]
Member (A)

mb

10.01.2005

Written statement has been filed. List on 28.1.2005 for orders. In the meantime, the applicant may file rejoinder, if any.

12.1.05
W/s filed by the respondents.

[Signature]
Member (A)

mb

28.1.2005

List for hearing on 3.3.2005. In the meanwhile, the applicant may file rejoinder, if any.

WS - has been filed
27-1-05

[Signature]
Member (A)

mb

3.3.05.

On the prayer of learned counsel for the parties case is adjourned to 9.3.05.

NO Rejoinder has been filed.
24/3/05

[Signature]
Vice-Chairman

[Signature]
Member

No- Rejoinder has been filed.
24/3/05

lm

Notes of the Registry Date Order of the Tribunal

9.3.2005

Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman
Hon'ble Shri K.V. Prahladan, Administrative Member.
Post on 10.3.2005 for hearing.

K.V. Prahladan
Member

G. Sivarajan
Vice-Chairman

nkm

10.3.2005

Adjourned to 22.3.2005 for hearing.

K.V. Prahladan
Member

G. Sivarajan
Vice-Chairman

nkm

22.3.2005

Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan, Administrative Member.

Ms. Nilakshi Bora, learned counsel appearing on behalf of Mr. S. Das, learned counsel for the applicant submits that the case may be taken up on Thursday. Accordingly, list on 24.03.2005 for hearing.

K.V. Prahladan
Member (A)

G. Sivarajan
Vice-Chairman

mb

24.3.2005

At the request of learned counsel for the parties. List on 14.4.2005 for hearing.

K.V. Prahladan
Member (A)

G. Sivarajan
Vice-Chairman

mb

21-3-05

No. reg order has been

filed.

Ag

11-5-05

No. reg order has been

filed.

Ag

Notes of the Registry | Date | Order of the Tribunal

12.05.2005

Heard learned counsel for the parties
Hearing concluded. Judgment delivered in
open Court.

The O.A. is disposed of in terms of
the order.

[Signature]
Member

[Signature]
Vice-Chairman

bb

Recd 9
copy
18/5/05
Advocate for
applicant

Bandana Devi
20.5.05

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A. No. 227 of 2004.

DATE OF DECISION: 12.05.2005

Sri. Kanti Kumar Das & 68 Others

APPLICANT(S)

Mr. S.Das

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Ms. B.Devi

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V PRAHLADAN, 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.



4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 227 of 2004.

Date of Order: This, the 12th Day of May, 2005.

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Sri Kanti Kumar Das
S/o Sri Tulsi Chandra Das
2. Sri Dilip Chandra Dey
S/o Late Karuna Sankar Dey
3. Sri Bhabatosh Acharjee
S/o Hari Mohan Acharjee
4. Sri Baneswar Chakraborty
S/o Manindra Chakraborty
5. Sri L. Appa Rao
S/o Sri L. Ram Loo
6. Sri Sankar Das
S/o Sri Shyam Sundar Das
7. Sri Rabi Malakar
S/o Manindra Malakar
8. Sri Prem Lal
S/o Late Babin Lal.
9. Sri Babul Chandra Dey
S/o Jatindra Ch. Dey
10. Sri Nishan Basfor
S/o Ram Prasad Basfor
11. Sri Biman Bhattacharjee
S/o Sudhir-Kr. Bhattacharjee
12. Sri Nitai Das
S/o Sri Abhimanya Das
13. Sri Sushil Kumar Dey
S/o Sri Birendra Kumar Dey
14. Sri Haradhan Dey
S/o Umesh Chandra Dey
15. Sri Monalal Chakraborty
S/o Nishi Lal Chakraborty

16. Sri Bishwanath Kumar Dey
S/o Prasanna Kumar Dey
17. Sri Narayan Kuri
S/o Tarini Kuri
18. Sri Kartik Malakar
S/o Late Jatindra Malakar
19. Sri Pijush Kanti Deb
S/o Late Prakash Ch. Deb
20. Sri Sajal Kanti Dey
S/o Jatindra Mohan Dey
21. Sri Prabir Kumar Dhar
S/o Bhupendra Dhar
22. Sri Rameswar Bora
S/o Late Jogeswar Bora
23. Sri Nigru Tanti
S/o Late Murali Tanti
24. Sri Gauranga Majumdar
S/o Manoranjan Majumdar
25. Sri Swapan Kumar Deb
S/o Manoranjan Deb
26. Sri Anil Chakraborty
S/o Mahendra Chakraborty
27. Sri Tapan Kumar Ghose
S/o Surendra Ghose
28. Sri Harilal Bhagat
S/o Kapildeo Bhagat
29. Sri Amulya Rishi
S/o Ranindra Rishi
30. Sri Rameswar Kathar
S/o Late Sital Kathar
31. Sri Babul Talukdar
S/o Debendra Talukdar
32. Sri Gauranga Dey
S/o Kailash Dey
33. Sri Sadhu Tati
S/o Krishna Tati
34. Sri Niranjan Dutta
S/o Pran Krishna

35. Sri Dulal Ch. Das
S/o of Kalipad Das
36. Sri Khokan Ch. Dey
S/o Nagendra Dey
37. Sri Babul Deka
S/o Digambar Deka
38. Sri Babul Dey
S/o Prafulla Dey
39. Sri Gopal Kaya
S/o Arma Kaya
40. Sri Narayan Chandra Dey
S/o Late Hari Mohan Dey
41. Sri Lalit Mohan* Paul
S/o Jageswar Paul
42. Sri Shiba Prasad Shyam
S/o Kanailal Shyam
43. Sri Sajal Dutta
S/o Amulya Ranjan Dutta
44. Sri Sushil Choudhury
S/o Ramani Choudhury
45. Sri Paltan Mandal
S/o Surendra Mandal
46. Sri Gopal Orang
S/o Janaki Orang
47. Sri Ranjit Debnath
S/o Srimanta Debnath
48. Sri Khageswar Bora
S/o Jonaram Bora
49. Sri Gopal Ch. Das
S/o Kamini Kr. Das
50. Sri Sugrib Tati
S/o Santo Tati
51. Sri Chunnilal Gawrh
S/o Ram Chandra
52. Sri Madhab Tati
S/o Jogli Tati
53. Sri Putul Tati

- S/o Raghumani Tati
54. Sri Bagai Tati
S/o Balbu Tati
55. Sri Judhisthir Nath
S/o Dharendra Nath
56. Sri Sibendra Chakraborty
S/o Sri Jitendra Chakraborty
57. Sri Parimal Chandra Dey
S/o Satish Ch. Dey
58. Sri Ajit Kumar Deb
S/o Kalachand Deb
59. Sri Durgesh Thakur
S/o Kamal Thakur
60. Sri Lakhnan Debnath
S/o Hargobinda Sarkar
61. Sri Swapan Sarkar
S/o Late Jagesh Sarkar
62. Sri Dulal Sarkar
S/o Late Jagesh Sarkar
63. Sri Puneswar Phukan
S/o Late Akaman Phukan
64. Sri Maran Mazumdar
S/o Prafulla Mazumdar
65. Sri Kartik Gore
S/o Dasarath Gore
66. Sri Subal Chandra Debnath
S/o Late Nirod Ch. Debnath
67. Sri Jiban Ch. Sarkar
S/o Late Sachin Sarkar
68. Sri Minash Ali
S/o Rajib Ali
69. Sri Santoo Dey
S/o Gobinda Dey.
- Applicants.

By Advocate Mr. S. Das.

- Versus -

1. Union of India
Represented by the Chairman, Railway Board

Rail Bhawan, Baisina Raod, New Delhi - 110 001.

2. The General Manager (Personnel)
North East Frontier Railway
Maligaon, Guwahati - 781 001.
3. The Senior Divisional Railway Manager (P)
Lumding, District: Nagaon, Assam. . . Respondents.

By Advocate Ms. B. Devi.

ORDER (ORAL)

SIVARAJAN, I.(V.C.) :

The applicants are stated to be Ex-Casual Labours, worked in the Lumding Division of N.F.Railway. According to them, they had worked for quite some time in the past and thereafter they were discharged. It is stated that the Railway Board has introduced a Scheme for absorption of discharged Ex-Casual Labours in 1987 but it was implemented only in 1998 pursuant to circulars (Annexures B to F). It is the case of the applicants that though they had applied for the benefit of the Scheme before the authorities, they were not given the benefit of the Scheme. It is stated that the Railway had prepared a list of 194 Ex-Casual Workers vide Annexure -O and they were absorbed in the Railway but the applicants' cases were not considered. It is further stated that the applicants thereafter submitted representations through the association evidenced by Annexures G, H and I, but there was no response. The applicants thereafter filed O.A. No.140 of 2002 before this Tribunal which was disposed of by order dated 21.5.2003 (Annexure-K) with directions. Pursuant to the directions issued by this Tribunal, the applicants made individual representations before the Divisional Railway Manager which were disposed of by order dated 25.2.2004 (Annexure-N). It is stated therein that the Railway Board vide their letter No. E(NG) II-78/CL/2 dated 4.3.1987 gave chances to the discharged Casual Labourers to

Ime

represent for registering their names in supplementary live casual labour register on or before 31.3.1987 giving the detailed particulars such as date of birth, date of engagement, educational qualification, personal mark of identification with adequate documentary proof in this regard along with a attested copy of the Casual Labour card and any other proof of having worked as Casual Labour for verification of the grievances of the claim for consideration of regular absorption in due course and that the applicant did not do so to register their names at that time. It is further stated that at this distance of time it is quite an impossible task to verify the genuineness of their claim. In the circumstances their claim could not be maintained as per rules and law. Thus it is clear from the impugned order that the case of the applicants on merits could not be considered due to difficulty in tracing the old records maintained by the Railways and also on the ground that the applicants did not avail the opportunity afforded to them at the earliest i.e. in 1987.

2. Mr. S. Das, learned counsel for the applicant submits that the applicants did not get sufficient opportunity and that only a short period is given to furnish the details and that the respondents in similar circumstances had considered the case of similarly situated persons and gave appointment pursuant to the directions issued by the Calcutta Bench of the Tribunal. He has placed before us a copy of the order of the Calcutta Bench of the Tribunal dated 2.8.2000 and an order passed absorbing 25 Ex-Casual Workers as Khalasi on 3.2.2005 and accordingly submitted that similar treatment ought to have been meted out to the applicants also.

3. Ms. B. Devi, learned counsel appearing on behalf of Mr. S. Sarma, learned counsel for the Railways, on the other hand, submits

For

that the Scheme was implemented in 1987 itself by way of inviting the details of Ex-Casual Labours by issuing circular and that the applicants, if they had a case, ought to have furnished the requisite details to enable the respondents to consider their case also, which has not been done. Counsel further submits that at this distant time it is not possible to verify the correctness of the details, if any, furnished by the applicants. In other words, her submission is that their claim is highly belated.


4. We have considered the rival submissions. We find some merit in the submission of Ms. B. Devi, learned counsel representing Mr.S.Sarma, learned counsel for the respondents. Respondents have rejected the claim of the applicants on the technical grounds that the applicants did not apply in time i.e. in 1987 itself and there is difficulty in verifying the correctness of the details furnished by the applicants at this distance of time. In the normal course this application should have been rejected on the ground of inordinate delay and for the reasons stated by the respondents. However, since the applicants have placed before us a copy of the order dated 3.2.2005 giving appointment to 25 Ex-Casual Labours pursuant to the direction issued by the Calcutta Bench of the Tribunal, I direct the applicants to make fresh individual representations with all the details required to be furnished and mentioned in the impugned order along with copies of the order of the Tribunal dated 2.8.2000 and order dated 3.2.2005 issued by the Railway before the competent respondent within a period of six weeks from today. If such individual representations are filed with necessary details and the copies of the orders as directed are received, the same must be duly considered with reference to the Scheme and appropriate orders be passed

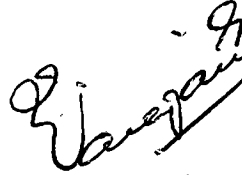


within a period of three months thereafter. If the orders dated 3.2.2005 was passed in the case of similarly situated persons i.e. if those persons were also Ex-Casual Workers who did not furnish the required details in 1987 pursuant to the circular issued by the Railway Board and they had filed O.A. after long lapse as in the case of the applicants, certainly the applicants, if they do satisfy the requirement of the Scheme, are also entitled to the same treatment. This will be borne in mind while passing the order disposing of the representations to be filed by the applicants as directed herein above.

5. The O.A. is disposed as above.

6. Applicants will produce copy of this order along with their individual representations before the concerned respondent for compliance.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE CHAIRMAN

BB

P/Adm.
30.9.04

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
2.7. SEP 2004
गुवाहाटी बेंच 15
Guwahati Bench

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

APPLICATION UNDER SEC. 19 OF THE ADMINISTRATIVE
TRIBUNAL'S ACT, 1985.

O.A. NO. 227 /2004.

Sri Kanti Kumar Das & Others. ... Applicants.

-Versus-

Union of India and others. ... Respondents.

LIST OF DATES

SL. NO.	DATE	PARTICULARS	DOCUMENTS	PAGES.
1.		Group of Ex-Casual labourer engaged prior to 1981. Applicants of this petition, indicating their period of service & place of work.	A	23-26
2.	19.6.81 3.2.79	Copy of Discharge Certificates and applications submitted before the authority by two applicants for ready reference of the Tribunal. All the applicants have similar documents and craves leave to submit the same at the time of hearing, if necessary.	P Series Q Series	82-91 92-96
3.	4.12.98	Circular dtd. 4.12.98 issued by General Manager (P), N.F. Rly. regarding screening & posting of Ex-Casual labourer.	B	27-28

Contd...p/--

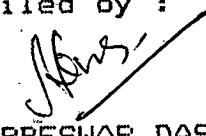
4.	9.10.98	Circular issued by Railway Board rearding screening and reengagement of Casual/Ex-casual labourer.	C	29-31
5.	8.9.2000	Circular by N.F.Rly. regarding regularisation and screening of Casual/Ex-Casual labour. By this circular the the concerned authorities have been directed to thorough review of the candidates/ex-casual labourer.	D	32-34
6.	15.3.2001	Circular of N.F.Rly. regarding absorption in Railways of ex-Casual labourer.	E	35-40
7.		Letter from Railway Board regarding the modalities of engagement of ex-Casual labourers in response to a representation of the Union.	F	41-48
8.	25.3.99	List of Ex-casual labourers already appointed by the N.F.Rly., Luding Division, who are all similarly situated labourers that of the applicants.	G	74-81
9.	21.5.03	Order passed by the Hon'ble C.A.T, Guwahati Bench in O.A.140/2002.	K	61-66
10.	23.7.03	Correction of Typographical error in the order dated 21.5.03 in O.A. 140/2002.	L	67-68

Contd...p/-

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11. 25.6.03 Representation submitted M 69-70
by the applicants in terms
of order dated 21.5.03
(Document-K).
12. 25.2.04 Letter/order dated N 71-73
25.2.04 issued by the
authority, General
Manager (P), N.F.
Railway rejecting the

representation of the
applicats nullifying the
order passed by this
Hon'ble Tribunal which
amounts to non-compliance
of the order.
13. Ground of relief Paragraph 17-18
H
14. Relief sought Para-K 20-21
-

Filed by :


(SARBESWAR DAS)
Advocate

18

THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL'S ACT, 1985

O.A. NO. 227 /2004.

Shri Kanti Kumar Das and others ... Applicants.

-Versus-

Union of India and others. ... Respondents.

I N D E X

SL.NO. : DESCRIPTION OF DOCUMENTS. : ANNEXURE : PAGES

1.	Application.		1-22
2.	List of Applicants along with the date of engagement and date of discharge.	"A"	23-26
3.	Type copy of the Circular No.RECT-884/E/57/0 Pt.XII(C) dated 4.12.98 issued by the General Manager (P), N.F. Railway, Maligaon.	"B"	27-28
4.	Type copy of the Circular No.E(NG)II/98/CL/32 dtd. 9.10.98 issued by the Railway Board, New Delhi.	"C"	29-31
5.	Type Copy of the Circular No.E/41/CL(E)/Pt-II, dated 8.9.2000 issued by the General Manager (P), N.F. Railway, Maligaon.	"D"	32-34

Contd...p/-

6.	Type copy of the Circular HO:RECT-914.	"E"	35-40
	----- No.E/57/0 P.XII(C) dated 15.3.2001 issued by the General Manager (P), N.F. Railway, Maligaon.		
7.	Copy of a letter dated 31.10.99 from the Railway Board.	"F"	41-48
8.	Type copy of the representa- tion dated 19.5.2000 submitted by the applicant's Association before the Respondent No.3, Divisional Rly. Manager, Lumding.	"G"	49-51
9.	Type copy of the Representation dated 9.2.2001 submitted by the Applicant's Association before the Respondent No. 3, Divisional Rly. Manager, Lumding.	"H"	52-53
10.	Type copy of the Representation dated 21.06.01 submitted by the Applicant's Association before Respondent No.2, the General Manager (Personnel), N.F. Rly., Maligaon, Guwahati-11.	"I"	54-57
11.	Type copy of the Representation dated 2.8.2001 submitted by the applicant's Association before the Hon'ble Minister of Railways (Railway Board, New Delhi.	"J"	58-60
12.	Order dated 21.5.03 passed by Hon'ble CAT, Guwahati Bench.	"K"	61-66
13.	Order dated 23.7.03 passed by Hon'ble CAT, Guwahati Bench.	"L"	67-68

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- | | | | |
|-----|--|-----------|-------|
| 14. | Representation dtd. 25.6.03
submitted by the applicants. | "M" | 69-70 |
| 15. | Copy of the letter dated
25.2.04 issued to one of the
applicants viz. Sajal Kanti
Dey, by the Divisional
Railway Manager (P), Lumding. | "N" | 71-73 |
| 16. | Copy of the list of Workers
dated 25.3.99. | "O" | 74-81 |
| 17. | Copy of Discharge Certificate
and his applications of one
of the applicant Sri Kanti
Kumar Das. | P Series. | 82-91 |
| 18. | Copy of Discharge Certificate
and his applications of one
of the applicant is Sajal
Kanti Dey. | Q Series. | 92-96 |
-

Kanti K. Das

SIGNATURE OF APPLICANT

①
21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
GUWAHATI BENCH: GUWAHATI

D.A. NO. 227 /2002.

(A). PARTICULARS OF THE APPLICANTS :

1. Sri Kanti Kumar Das,
Son of Sri Tulsi Chandra Das.
2. Sri Dilip Chandra Dey,
Son of Late Karuna Sankar Dey.
3. Sri Bhabatosh Acharjee,
Son of Hari Mohan Acharjee.
4. Sri Baneswar Chakraborty,
Son of Manindra Chakraborty.
5. Sri L. Appa Rao,
Son of Sri L. Ram Loo.
6. Sri Sankar Das,
Son of Sri Shyam Sundar Das.
7. Sri Rabi Malakar,
Son of Manindra Malakar.
8. Sri Prem Lal,
Son of Late Babin Lal.
9. Sri Babul Chandra Dey,
Son of Jatindra Ch. Dey.
10. Sri Nishan Basfor,
Son of Ram Prasad Basfor.
11. Sri Biman Bhattacharjee,
Son of Sudhir Kr. Bhattacharjee.
12. Sri Nitai Das,
Son of Sri Abhimanya Das.
13. Sri Sushil Kumar Dey,
Son of Sri Birendra Kumar Dey.
14. Sri Haradhan Dey,
Son of Umesh Chandra Dey.
15. Sri Monalal Chakraborty,
Son of Nishi Lal Chakraborty.
16. Sri Bishwanath Kumar Dey,
Son of Prasanna Kumar Dey.

Contd...P/-

Kanti K. Das
Filed by: Baneswar Acharya

17. Sri Narayan Kuri,
Son of Tarini Kuri.
18. Sri Kartik Malakar,
Son of Late Jatindra Malakar.
19. Sri Pijush Kanti Deb,
Son of Late Prakash Ch. Deb.
20. Sri Sajal Kanti Dey,
Son of Jatindra Mohan Dey.
21. Sri Prabir Kumar Dhar,
Son of Bhupendra Dhar.
22. Sri Rameswar Bora,
S/o Late Jogeswar Bora.
23. Sri Nigru Tanti,
S/o Late Murali Tanti.
24. Sri Gauranga Majumdar,
Son of Manoranjan Mazumdar.
25. Sri Swapan Kumar Deb,
Son of Manoranjan Deb.
26. Sri Anil Chakraborty,
Son of Mahendra Chakraborty.
27. Sri Tapan Kumar Ghose,
Son of Surendra Ghose.
28. Sri Harilal Bhagat,
Son of Kapildeo Bhagat.
29. Sri Amulya Rishi,
Son of Ranindra Rishi.
30. Sri Rameswar Kathar,
Son of Late Sital Kathar.
31. Sri Babul Talukdar,
Son of Debendra Talukdar.
32. Sri Gauranga Dey,
Son of Kailash Dey.
33. Sri Sadhu Tati,
Son of Krishna Tati.
34. Sri Niranjan Dutta,
Son of Pran Krishna.
35. Sri Dulal Ch. Das,
Son of Kalipad Das.

Kanti Ku Do

36. Sri Khokan Ch. Dey,
Son of Nagendra Dey.
37. Sri Babul Deka,
Son of Digambar Deka.
38. Sri Babul Dey,
Son of Prafulla Dey.
39. Sri Gopal Kaya,
Son of Arma Kaya.
40. Sri Narayan Chandra Dey,
Son of Late Hari Mohan Dey.
41. Sri Lalit Mohan Paul,
Son of Jageswar Paul.
42. Sri Shiba Prasad Shyam,
Son of Kanailal Shyam.
43. Sri Sajal Dutta,
Son of Amulya Ranjan Dutta.
44. Sri Sushil Choudhury,
Son of Ramani Choudhury.
45. Sri Paltan Mandal,
Son of Surendra Mandal.
46. Sri Gopal Orang,
Son of Janaki Orang.
47. Sri Ranjit Debnath,
Son of Srimanta Debnath.
48. Sri Khageswar Bora,
Son of Jonaram Bora.
49. Sri Gopal Ch. Das,
Son of Kamini Kr. Das.
50. Sri Sugrib Tati,
Son of Santo Tati.
51. Sri Chunnilal Gawrh,
Son of Ram Chandra.
52. Sri Madhab Tati,
Son of Jogli Tati.
53. Sri Putul Tati,
Son of Raghmani Tati.
54. Sri Bagai Tati,
Son of Balbu Tati.

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55. Sri Judhithir Nath,
Son of Dharendra Nath.
 56. Sri Sibendra Chakraborty,
Son of Sri Jitendra Chakraborty.
 57. Sri Parimal Chandra Dey,
Son of Satish Ch. Dey.
 58. Sri Ajit Kumar Deb,
Son of Kalachand Deb.
 59. Sri Durgesh Thakur,
Son of Kamal Thakur.
 60. Sri Lakhan Debnath,
Son of Hargobinda Sarkar.
 61. Sri Swapan Sarkar,
Son of Late Jagesh Sarkar.
 62. Sri Dulal Sarkar,
Son of Late Jagesh Sarkar.
 63. Sri Puneswar Phukan,
Son of Late Akaman Phukan.
 64. Sri Maran Mazumdar,
Son of Prafulla Mazumdar.
 65. Sri Kartik Gore,
Son of Dasarath Gore.
 66. Sri Subal Chandra Debnath,
Son of Late Nirod Ch. Debnath.
 67. Sri Jiban Ch. Sarkar,
Son of Late Sachin Sarkar.
 68. Sri Minash Ali,
Son of Rajib Ali.
 69. Sri Santoo Dey,
Son of Gobinda Dey.

(B) PARTICULARS OF RESPONDENTS :

1. Union of India, *Chairman, Railway Board*
Represented by the ~~Secretary to the Govt. of India~~ *✓*
~~in the Department of Railways, Rail Bhawan, Baisina~~
Road, New Delhi-110001.
2. The General Manager (Personnel),
North East Frontier Railway,
Maligaon, Guwahati-781001.

3. The Senior Divisional Railway Manager (P),
Luding, District-Nagaon, Assam.

....RESPONDENTS

(C) PARTICULARS OF THE ORDERS FOR WHICH THE
APPLICATION IS MADE :

(a) Order dated 21st day of May, 2003 passed by the
Central Administrative Tribunal, Guwahati Bench in OA
No. 140 of 2002.

(b) Order dated 25.02.04, No. E/67/6 Pt.1(Ex-CL)
passed by the Respondent No.3.

(c) Order No. E(N.G)11/98/CL/32. New-Delhi, dated
9.10.93 issued by Respondent No. 1.

(d) Order No. RECT-834,E/57/0 Pt.X II(C) dated
04.12.98 issued by Respondent No.2.

(e) Order No.E/41/CL(E)/Pt. II Maligaon, dated
8.9.2000 issued by the Respondent No.2.

(f) Order No. RECT-914 No-E157/OPxII(C) issued by the
Respondent No.2.

All those Orders are in connection to the absorp-
tion of Ex-Casual Labourers of Railways.

(D) JURISDICTION OF TRIBUNAL :

This application is within the jurisdiction of
this Hon'ble Tribunal.

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(E) LIMITATION :

This application is within the period of limitation.

(F) DEPARTMENTAL REMEDIES IS EXHAUSTED :

The applicants sent several representations to the respondents for their absorption in service. The applicants also submitted representations in terms of the order passed by this Hon'ble Tribunal.

(G) FACTS OF THE CASE :

The Indian Railway requires to engage large numbers of Casual employees for the purpose of maintenance of their works or to undertake different project. The workers so engaged either in maintenance of work or in project work are called as open line Workers or project worker. The Casual workers are being engaged and disengaged from time to time. In order to absorb those person who are worked as a Casual employee in the Railway establishment, the Railway Board frame schemes for their absorption in regular substantive post or for their regularisation, different Circulars are being issued from time to time by the Railway Board in order to instruct the different authorities to absorb Ex-Casual labour or to regularise the existing Casual employees. For the purpose of absorption or ex-Casual employees the concern Railway authority are to maintain two kinds of registers namely Live Register and Supple-

mentary Live Register. Basically it was revolved that the Casual labours who were disengaged prior to 1.1.81 would be engaged from time to time subject to availability of regular substantive post earmarked in this regard as declared from time to time. The authority concern was directed from time to time by the Railway authority to prepare the Live Register or Supplementary Live Register particularly on the basis of the available record to indicate the name of the employees and the other particulars like their engagement, disengagement, place of Work etc.

On the basis of the scheme and policy declared by the Ministry of Railway as well as Railway Board to absorb the Ex-Casual labour stated above the Railway Board issued different circulars directing the authority concerned for the purpose of absorption of the Ex-Casual labourers after compliance of the formalities as laid down therein. The Casual labourers who were disengaged since long back can not get themselves confined in their place of works. They are to move from one place to other for the purpose of their maintenance of livelihood. So it was incumbent on the part of the authority concerned who are entrusted the duties to absorb the Casual employees in their establishment on the basis of the vacancies apportioned in this regard to make a wide publicity in Order to ensure the notice to the effect that the absorption of those Ex-Casual employees will be considered by the concern establishment. It is essential

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for the purpose of appearance of the Ex-Casual employees will be considered by the concerned establishment. It is essential for the purpose of appearance of the Ex-Casual employees before the concerned authority for their absorption. Different relaxation of the condition for recruitment are also stipulated in various Notification issued in this regard.

Copies of some relevant Notifications are enclosed herewith and marked as DOCUMENTS-B, C, D & E ^{2 F} respectively.

That, the applicants were engaged in Lunding Division of N.F. Railways. They were disengaged since long back in the decade of seventies or eighties. These applicants were not available in the place of work.

In the year 1998 in pursuance of the Scheme of regularisation stated above large number of Vacancies were to be filled up by the Ex-Casual labourers, were notified. The applicants came to know about this fact little late and as soon as they became aware of this fact they approached to the concerned authority to know whether their names were figured in the concerned Live Register or the Supplementary Live Register. Most of the applicants were also submitted fresh applications along with their discharge certificate. The concerned authority i.e. Office of the respondent No. 3 refused to accept the application/documents and directed to submit the

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same in a box placed in the concerned Office. All the applicants submitted fresh applications along with their discharge Certificate within the period of 1999. The applicants also approached the authority on several occasions and asserted their right of absorption in regular substantive post in accordance with the scheme and the Notification, notifying the vacancy to be filled up by the Lumding Division of N.F. Railway by the Ex-Casual Labourers. But unfortunately their demands were not considered. They approached the higher authorities but, their grievances remained unheeded.

Some copies of representations submitted before the higher authorities are enclosed herewith and marked as ANNEXURES-
A, G, H & I & J

That the concern authority has already absorbed a group of Ex-Casual labourers numbering 194 who were also on the same footing as like as the applicants. It is pertinent to state that the Office of the Respondent No. 3 prepared a list of 194 workers excluding the name of the applicants without any valid reasons. When the applicants again approached the authority to consider their applications for absorption, the authority assured that enquiries will be made from the work sites where they last worked and on receipt of record from Work site their names will be considered. Subsequently, the applicants learnt that reports were sent from work site in

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favour of them but despite such report the respondent No. 3 did not consider the names of the applicants for absorption.

That, the present applicants were Ex-Casual employees who worked within the jurisdiction of Lumding Division in different work sites. Since at the relevant time of issuance of concerned Circular/Scheme they were scattered over a vast area for maintenance of their livelihood and there were communication gaps among themselves as well as with the respective offices where they worked earlier. It was not possible for them to know the purpose of the scheme, because the scheme was not given proper publicity and it was not notified in the offices concerned which obstructed the applicants from getting proper information. Even when they got the information, they applied but their applications were not considered by the officers concerned.

That the applicants themselves individually and also through their Organisation placed their grievances before the Officers concerned, who actually prepared an additional list for inclusion in the Live Register, but this was not actually done and the applicants were deprived of the benefit under the new scheme of the Railway Board for no fault on their part.

That, as many as 194 Ex-Casual workers under the jurisdiction of Lumding Division have been screened and

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absorbed by the Respondent No. 3 who did not consider the cases of the present applicants due to reasons best known to the respondent No. 3 above. Though the present applicants and the said 194 employees mentioned above were similarly situated and at places some of the present applicants have better candidature than some of the 194 employees absorbed by the Respondent No. 3.

That, although the present applicants sent repeatedly their applications for absorption to all concerned individually as well as through their Organisation, nothing came out from it. Finding no other alternative, the applicants filed an application before this Hon'ble Tribunal and the said application was registered as O.A. No. 140/2002.

That, after hearing the parties, the Hon'ble Tribunal passed final order on 21.5.2003. Subsequently, vide order dated 23.7.03, the Hon'ble Tribunal corrected some typographical error occurred in the order dated 21.5.03.

That, vide order dtd. 21.5.03; the Hon'ble Tribunal observed and directed as follows :-

" We have given our anxious consideration on the matter. The issue raised in this application requires further evaluation of facts on verification of the

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records. Considering the facts and circumstances of the case, we are of the opinion that ends of justice will be met, if a direction is issued to the applicants to submit individual representations before the General Manager (P), N.F. Railway, Maligaon, Guwahati-11. Accordingly, the applicants are directed to submit individual representations before the aforesaid authority within a period of one month from the receipt of the order. If such applications are made, the authority shall consider their case as per law and pass appropriate order. If such applications are made, the authority shall consider their case as per law and pass appropriate order. It is expected that the authority shall consider it expeditiously and preferably within a period of six months from the receipt of the individual representations. "

A copy of the order dated 21.5.03 & subsequent correction orders are annexed herewith and marked as DOCUMENT NO.K & L respectively.

That, in terms of the order the applicants filed their individual representations along with copies of respective Discharge Certificates before the Respondent No. 2 and Respondent No. 3 within stipulated period vide their representation dtd. 25.6.2003. In response to the representation as well as in connection with the Order dtd. 21.5.03 passed by this Hon'ble Tribunal in O.A. No. 140/02, the respondent No. 3 issued letters to all the applicants vide his letter No. E/67/6/Pt.I (EX-GL) dtd. 25.2.02. The respondent has rejected the claim of the applicants with the following observation :-

" Railway Board vide their letter No. E(NG) II-78/CL/2 dtd. 4.3.1987 has given chance to the discharged Casual Labour to represent for registering their names in

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K. M. Das

supplementary live casual labour register on and before 31.3.87 giving the detailed particulars such as date of birth, date of engagement, educational qualification, personal mark of identification with adequate documentary proof in this regard along with attested copy of the Casual Labour Card and any other proof of having worked as Casual Labour for verification of the grievances of the claim for consideration of regular absorption in due course. But the applicants did not do so to register their names at that time. As such at this distant date. It is quite an impossible task to verify the genuineness of their claim.

In the circumstances mentioned above their claim can not be maintained as per rules and Law. "

A copy of letter dated 25.6.03 submitted before the authority by all the applicants individually is annexed herewith and marked as ANNEXURE-M.

One of such letter dt. 25.2.04 issued to one applicant is annexed herewith and marked as DOCUMENT NO.N.

That, the pleas taken by the respondent in the aforementioned letter are absolutely false, baseless and misleading. It has been stated that the Discharged Casual Labourer were given chance to submit representation for registering their names in Supplementary live Casual labour register on and before 31.3.87 vide Railway Board's letter No.E(N.G)II-7B/CL/2 dtd. 4.3.1987. It is pertinent to mention that this letter was neither notified in the Notice Board of Office of the Respondent No.3 nor published in the local newspapers. In fact this letter was not disclosed to the General Workers.

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Moreover, it was not possible for the concern workers to submit their representation within a period of such a short time. However, some of the applicants who were aware of the said letter submitted their applications with all necessary particulars. Subsequently the Railway authority has issued several orders and instruction vide their orders/Circulars dtd. 4.12.98 (Document No.8), dtd. 9.10.98 (Document No.C), dtd. 8.9.2000 (Document No.D), dtd. 15.3.2001 (Document No.E) and Document No. F in connection with the screening of Casual labour born on line/Supplementary Casual labour register. The Respondent Nos. 2 & 3 prepared a list of ex-Casual labourers which was termed as interpolated seniority list (document No. M). On the basis of the list prepared by the Respondent Nos. 2 & 3 absorbed 194 numbers of Ex-Casual labourers.

Copy of the list dated 25.3.99 is annexed herewith and marked as DOCUMENT NO.-O.

That, the name of the Workers included in the said list (Document-M) of workers were similarly situated with the present applicants. Rather, the cases of the present applicants are more genuine than the most of the workers included in the said list. According to the Railway Board's Circulars the cases of those workers should have been considered who were discharged before 1.1.81. The cases of the present applicants were duly covered by the concerned Circulars/Scheme of the Railway Board. But the Respondent Nos.2 & 3 deliberately rejected the claims of the applicants arbitrarily for some extraneous reasons vide their letter dated 25.2.04 (DOCUMENT NO. N).

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That, the maintenance of line register/Supplementary registers rest on respondents. The respondents always kept these register secret and there was no scope for the applicants to ascertain whether their names were included in the said register or not. The applicants submitted their representations along with the other Casual labourers who were already been absorbed in the year 1999 according to the list prepared by Respondent No. 3 on 25.3.99 (Document No. ⑨).

That, respondent has now taken some false and misleading pleas in their letter dtd. 25.2.04 with a view to reject the claim of the applicants.

It is stated that the applicants did not furnish any documentary evidence to prove that they had submitted their applications to register their names in the supplementary Live Casual Labour register in proper time. It has also been alleged that they did not mention about the effort they made to register their names. In this regard the applicants beg to state that they have already categorically mentioned in the application Number O.A. No. 140 of 2002 that all of them have submitted applications in the Office of the Respondent No. 3 along with the similarly situated workers who have already been absorbed by the authority. A few copy of the applications and copies of the discharge certificates of the applicants are enclosed herewith for kind perusal of this Hon'ble Tribunal. It is pertinent to

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Kantilal Das

mention here that the concerned authority did not give any receipt to any application against those applications submitted by the applicants. The said Live Casual Labour register/Supplementary Live Casual Labour register were kept secret to the applicants and the authority refused to inform the applicants about their inclusion of name in those register.

That, the respondents have screened/selected a group of ex-Casual labourers numbering 194 excluding the applicants in a very arbitrary and whimsical manner. Although the position of most of the applicants were better than those Casual labourers included in the said list of 194 workers (Document No. N), they have not been considered for absorption/regularisation of their services without assigning any reason whatsoever.

That, the applicants are on the same footing with the workers who have been absorbed as shown in Document No. N. The prayer of the applicants were rejected without following due procedure. Despite the order dated 21.5.2003 passed by the Hon'ble Tribunal, the Respondent No. 3 rejected the claim of the applicants on the plea that the applicants did not submit their representations giving the detailed particulars in terms of the railway board's letter No. E(NG)II-78/CL/2 dated 4.03.87 within 31.03.87. It was also alleged that the applicants did not submit adequate documentary proof regarding their engagement as Casual Labour for verification. It may be

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mentioned here that while filing the representation in terms of the order of the Hon'ble Tribunal all the applicants submitted photostat copies of Discharge Certificates issued by the concerned authority showing the date of engagement and date of discharge. The authority has instead of scrutinising those certificates ignored the same with a view to reject the claim of the applicants. The authority/respondents could have verified the authenticity of those certificates and if found to be false the authority could have rejected the claim of the applicants after giving reasonable opportunity to prove their case.

Two sets of copies of Discharge Certificates and their applications submitted before the authority time to time are annexed herewith and marked as DOCUMENT P & Q series respectively.

That, the authority/Respondent No. 2 & 3 rejected the representations of the applicants without hearing the applicants or without providing any opportunity to the applicants to substantiate their claims.

That, the order of the respondents communicated vide their letter No. 67/6/Pt.I(EX-CL) dated 25.2.04 (DOCUMENT-M) issued to all the applicants individually in a very arbitrary and whimsical manner and liable to be set aside and quashed.

(H) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

(1) For that the Railway Board, the Respondent No. 1 created some legal rights for the absorption of the applicants as Ex-Casual Labour which was a policy deci-

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sion of the Central Government in the Department of Railways. But the applicants were denied this opportunity and valuable right, for which the applicants have filed the present application for redressal of their grievances.

(2) For that the circulars/notices/orders issued by the Railway Board from time to time were not properly circulated by putting up in the Notice Board of different offices all over the areas covered by the North East Frontier Railways particularly in Luming Division. And there was no information of it published in the local newspapers. This was against the right to information which is now considered as a Fundamental right by the Hon'ble Supreme Court of India and as such there was a violation of legal rights of the applicants who could not submit their applications immediately after the declaration of the scheme.

(3) For that the Respondent No. 3 arbitrarily and whimsically prepared the Live Register and Supplementary Live Register of Ex-Casual Labourer without following any norms and procedures. This offended the right to equality and right to equal opportunities in public services as guaranteed under Articles 14 and 16 of the Constitution of India.

(4) For that, Respondent No. 3 acted illegally and against the legal provisions by allowing 194 equally

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Kapoti'ka D.S

not similarly situated employees to enjoy the benefits of the new policy of regularisation and absorption in employment and at the same time denying the same benefit to the present applicants. This is not only arbitrary and unfair, unknown to the Constitution of India, but at the same time against the right to life which is guaranteed under Article 21 of the Constitution of India. This is so, because right to comfortable and decent living is now considered by the Hon'ble Supreme Court of India as a right included in the right to life.

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(5) For that the Respondent No. 3 unilaterally and arbitrarily rejected the representations submitted by the applicants in terms of the Order dated 21.5.2003 in O.A. No. 140/2002 without giving any opportunity to the applicants to substantiate their claim.

(6) For that the Respondent No. 3 ignored the documentary evidences submitted by the applicants without verifying the same.

(7) For that the Respondent No. 3 did not consider the reports of the concerned officials of different work sites without any reason.

(8) For that looked at from any point of view, the impugned action of the respondents is illegal and cannot be sustained in law.

Kanhai Lal Das

(I) DETAILS OF REMEDIES EXHAUSTED :

The applicants sent several representations to the authorities concerned both individually and through their organisation. But there was no positive response in respect of the representations.

(J) MATTER NOT PENDING BEFORE ANY COURT/TRIBUNAL:

The applicants declare that they have not filed any application before any Court/Tribunal concerning the subject matter of the application.

(K) RELIEF SOUGHT :

The applicants pray for the following reliefs :-

(a) The impugned order issued by the respondent vide letter No. E/67/6/Pt.I (EX-CL) dated 25.2.04 may be set aside and quashed.

(b) The names of the applicants be included in the Live Register/Supplementary Live Register of Ex-Casual workers.

(c) Direction be given to the Respondents to absorb the applicants in the same way as was been done with regard in 194 similarly situated Ex-Casual Workers.

(d) Any other Order or Direction to the Respondents as this Hon'ble Tribunal may deem fit and proper.

(e) A suitable amount commensurate with the expenditure involved in this case.

(f) Interim Order, if any, an Order may be passed directing the Respondents not to absorb any Ex-Casual Workman without considering the cases of the present applicants.

(H) The application is submitted through the lawyer of the applicants.

(L) THE PARTICULARS OF THE POSTAL ORDER :

a) Number of Postal Orders : 206, 113606

b) The name of issuing Post Office : Guwahati

c) Date of Issue :

(N) LIST OF ENCLOSURES :

As per Index.

Verification.....

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VERIFICATION

I, Shri Kanti Kumar Das, Son of Sri Tulsi Chandra Das, aged about 48 years, by faith - Hindu, resident of Lunding in the district of Nagaon, Assam, do hereby solemnly declare and affirm that I am one of the applicants of this application and I have been duly authorised by all the applicants to sign this Verification on behalf of them and the contents of this application in Paragraphs (A) to (D) are true to the best of my knowledge, information and belief and I have not suppressed any material before this Hon'ble Tribunal.

And I sign this Verification today on this 30th day of August, 2004 at Guwahati.

DATE :

PLACE : Guwahati.

Prepared in my Office :

Larbeswar Das
(ADVOCATE)

Kanti Kumar Das

(DEPONENT)

ANNEXURE-A.**STATEMENT OF OF EX-CASUAL LABOURER WHO WORKED IN THE RAILWAY DEPARTMENT UNDER LUMDING DIISION BUT NOT REGULARISED IN THE RAILWAY DEPARTMENT THROUGH SCREENING.**

Sl. No.	Name of Ex-Casual Labour and Father's Name.	Date of Engagement.	Date of Discharge.	Place of working.
1.	Sri Kant Kumar Das, S/o Sri Tuls Ch. Das.	19.6.81	31.3.82	LCW/LMG
2.	Mr. Dilip Ch. Dey, S/o Lt. Karuna Sankar Dey.	15.6.79	22.9.79	FCW/Haflong
3.	Mr. Bhabatosh Acharjee, S/o Hari Mohan Acharjee.	20.10.72	7.5.74	SSE/PWI/H/ LMG
4.	Mr. Baneswar Chakraborty, S/o Manindra Chakraborty.	26.6.76	15.9.76	SSE/P.WAY/ HILL/LMG.
5.	Mr. L. Appa Rao, S/o Sri L. Ram Loo	14.4.85	28.5.86	W/S/LMG
6.	Mr. Sankar Das, S/o Sri Shyam Sundar Das.	6.12.77	4.2.78	D/S-DFU
7.	Mr. Rabi Malakar, S/o Manindra Malakar.	14.10.94	27.5.86	W/S/LMG
8.	Mr. Prem Lal, S/o Late Babin.	18.7.78	15.9.78	CTR/LMG
9.	Mr. Babul Ch. Dey, S/o Jatindra Ch. Dey.	17.1.76	15.12.76	SEW/LMV
10.	Mr. Nishan Basfor, S/o Ram Prasad Basfor.	25.1.75	31.8.75	BRIDGE Bandarkhal
11.	Mr. Bimal Bhattacharjee, S/o Sudhir Kr. Bhattacharjee.	12.3.72	22.1.76	BRIDGE/LMG
12.	Sri Nital Das, S/o Sri Abhimanya Das.	20.6.76	15.10.77	PWI/HJI
13.	Sri Susil Kr. Dey, S/o Sri Birendra Kr. Dey.	2.5.77	15.2.78	IOW/CPK
14.	Mr. Haradhan Dey, S/o Umesh Ch. Dey.	29.6.81	15.10.81	PWI/NOG
15.	Mr. Monalal Chakraborty, S/o Lt. Nishilal Chakraborty.	31.3.75	14.5.75	SSE/PWI DPU
16.	Mr. Biswarth Kr. Dey, S/o Prasanna Kr. Dey.	25.4.75	15.7.75	SSE/PWI DPU
17.	Mr. Narayan Kuri, S/o Tarani Kuri.	19.6.77	15.9.76	IOW/ Haflong

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18.	Mr. Kartik Malakar, S/o Lt. Jatindra Malakar.	8.11.76	15.12.76	IOW/GID
19.	Mr. Pijush Kanti Deb, S/o Lt. Prakash Ch. Deb.	11.9.82	20.10.82	SSE/SIG Mariyani
20.	Mr. Sajal Kanti Dey, S/o Jatindra Mohan Dey.	5.6.78 7.8.78 4.1.79	4.7.78 6.9.78 3.2.79	S/dT New Guwahati
21.	Mr. Prabir Kr. Dhar, S/o Bhupendra Dhar.	16.4.75	1.5.75	SSE/PWAY
22.	Mr. Rameswar Bora, S/o Late Jogeswar Bora.	18.11.77	15.10.78	PWI/LMG
23.	Mr. Nigru Tanti, S/o Late Murali Tanti.	20.1.75 16.12.75	15.7.75 15.3.76	PWAY/BXP.
24.	Mr. Gouranga Mazumdar, S/o Monoranjan.	3.8.78	15.10.78	SSE/PWAY DPU
25.	Mr. Swapan Kr. Deb, S/o Monoranjan Deb.	19.7.73	15.11.73	AAW/P WAY DCA HJO
26.	Mr. Anil Chakraborty, S/o Mahendra.	19.3.76	15.6.76	SSE/ P WAY DPU
27.	Mr. Tapan Kr. Ghose, S/o Surendra Ghose.	18.3.75	15.4.75	SSE/ P WAY DPU
28.	Mr. Harilal Bhagat, S/o Kapildeo Bhagat.	28.11.75	3.3.76	SSE/ P WAY DPU
29.	Mr. Amulya Rishi, S/o Rabindra Rishi.	29.11.74	15.10.74	SSE/ P WAY DPU
30.	Mr. Rameswar Kalbar, S/o Lt. Sital Kalbar.	18.12.75	15.6.76	SSE/ P WAY DPU
31.	Mr. Babul Talukdar, S/o Debendra Talukdar.	16.9.70	15.2.71	SSE/ PWI DPU
32.	Mr. Gouranga Dey, S/o Kailash Dey.	10.8.76	15.9.76	SSE/P WAY DPU
33.	Mr. Sadhu Tati, S/o Krishna Tati.	16.12.75	15.3.76	SSE/ P WAY DPU
34.	Mr. Niranjan Dutta, S/o Pran Krishna Dutta.	19.11.77	15.10.78	SSE/ P WAY DPU
35.	Mr. Dulal Das, S/o Kalipada Das.	17.10.75	13.5.76	SSE/ P WAY BXP
36.	Mr. Khokan Ch. Dey, S/o Nagendra Dey.	17.12.75	15.8.76	SSE/P WAY BXP
37.	Mr. Babul Deka, S/o Digambar Deka.	26.11.74	24.5.75	SSE/P WAY BXP
38.	Mr. Babul Dey, S/o Prafulla Dey.	17.12.75	15.5.76	SSE/P WAY BXP
39.	Mr. Gopal Kaya, S/o Arma Kaya.	17.12.75	15.8.76	SSE/P WAY BXP
40.	Mr. Narayan Ch. Dey, S/o Lt. Hari Mohan Dey.	16.6.72	15.11.76	SSE/P WAY DPU
41.	Mr. Lalit Mohan Paul, S/o Jogeswar Paul.	3.3.74	7.5.74	SSE/P WAY DPU
42.	Mr. Shiba Prasad Shyam, S/o Kanailal Shyam.	17.12.75	15.8.76	SSE/P WAY BXP

43.	Mr. Sajal Dutta, S/o Amulya Rn. Dutta.	27.11.75	15.8.76	SSE/P WAY DPU
44.	Mr. Susil Choudhury, S/o Ramani Choudhury.	18.6.76	15.9.76	SSE/P WAY DPU
45.	Mr. Paltan Mandal, S/o Surendra Mandal.	17.12.75	16.10.77	SSE/P WAY BXP
46.	Mr. Gopal Orang, S/o Janki Orang.	15.3.83	15.5.83	SSE/P WAY BXP
47.	Mr. Ranjit Debnath, S/o Sree Manta Debnath.	18.3.75	15.10.75	SSE/P WAY BXP
48.	Mr. Kageswar Bora, S/o Jonaram Bora.	18.11.77	15.10.78	SSE/P WAY DPU
49.	Mr. Gopal Ch. Das, S/o Kamini Kr. Das.	19.8.75 30.10.76	15.12.75 15.2.77	SSE/P WAY BXP
50.	Mr. Sugrib Tati, S/o Santo Tati.	16.12.75	15.3.76	SSE/P WAY BXP
51.	Mr. Chunnlal, S/o Ramchandra.	6.11.73	18.5.73	SSE/P WAY BXP
52.	Mr. Madhab Tati, S/o Jogli Tati.	10.12.75	15.3.76	SSE/P WAY BXP
53.	Mr. Putul Tati, S/o Ragumani Tati.	22.1.75	15.8.75	SSE/P WAY BXP
54.	Mr. Bagai Tati, S/o Balbu Tati.	17.1.75	15.8.75	SSE/P WAY BXP
55.	Mr. Judhishtir Nath, S/o Dharendra Nath.	5.10.75	15.5.76	SSE/P WAY BXP
56.	Mr. Sibendra Chakraborty, S/o Sri Jitendra Chakraborty.	16.8.81	15.11.81	SSE/P WAY DPU
57.	Mr. Parimal Ch. Dey, S/o Satish Ch. Dey.	29.7.77 1.10.77	15.9.77 15.10.77	IOW/ Malbong
58.	Mr. Ajit Kr. Deb, S/o Kalachand Deb.	28.1.78 3.3.78	17.2.78 15.4.78	PWI/DPU
59.	Mr. Durgesh Thakur, S/o Kamal Thakur.	18.12.75	23.3.76	PWI/DPU
60.	Mr. Lakhon Debnath, S/o Hargobinda Debnath.	24.6.77	15.10.77	PWI/DPU
61.	Mr. Swapan Sarkar, S/o Lt. Jogesh Sarkar.	17.10.75	28.3.76	PWI/DPU
62.	Mr. Dulal Sarkar, S/o Lt. Jogesh Sarkar.	18.10.75	1.3.76	PWI/DPU
63.	Mr. Puneswsar Phukan, S/o Lt. Akaman Phukan.	11.11.77	25.11.77	PWI/DPU
64.	Mr. Maran Mazumdar, S/o Prafulla Mazumdar.	28.2.78 17.1.83	22.6.78 15.1.84	Bridge/ Rangapara
65.	Mr. Kartik Gore, S/o Dasarath Gore.	16.7.77	16.10.77	PWI/BXP

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66.	Mr. Subal Ch. Debnath, S/o Lt. Nirod Ch. Debnath.	4.12.78	8.10.78	PWI/BXP
67.	Mr. Jiban Chandra Sarkar, S/o Lt. Sachin Sarkar.	4.2.78	10.10.78	PWI/BXP
68.	Mr. Minash Ali, S/o Rajib Ali.	22.7.77	15.10.78	SSE/PWI/ DPU
69.	Mr. Santoo Dey, S/o Gobinda Dey.	19.7.73	15.9.75	SSE/P WAY BXP

DOCUMENT NO. BNORTH EAST FRONTIER RAILWAYOFFICE OF THE GENERAL MANAGER (P), MALIGAON, GUWAHATI-11.RECT-884
E/57/0 Pt.XII(C)

Dated : 4.12.98

To

GM(Con), Maligaon,
 All PHODs, All DRMs & All DAOs,
 All Controlling Officers of Non-Divisionalised
 Offices,
 The GS/NEIUEU, NFRMU & AISCTFEA.

Sub :- Screening of Casual Labour borne on
 the Live/Supplementary Live. Casual
 Labour register.

A copy of Railway Board's letter No. E(NG)II/98/CL/32 dated 09.10.98 on the above mentioned subject is forwarded for information and necessary action. It is clarified that screening of ex-casual labour borne on the live/supplementary live Casual Labour Register against vacancies in the various departments would not be a matter of course and automatic but this process has to be decided based on justification regarding filling up of vacancies in a particular department. Proposals for appointment of ex-casual labour from these registers would continue to be sent to HO for obtaining GM's approval and only after the approval is conveyed to the division, they would take further necessary action regarding appointment of such ex-Casual Labour against vacancies by screening them according to seniority. For any further clarifications of any doubts

Attested
 ✓
 Advocate

reference to HQ must invariably be made. Board's earlier letters mentioned in the margin on their present letter were circulated as under :-

Board's letter No. & date CPOs Circular No. & Date

- | | |
|---------------------------------------|--|
| 1. E(NO)II/84/CL/41
date 02.03.87. | 1. E/57/II(C) Dated
13.03.87 (DRMs only). |
| 2. E(NG)II/84/CL/41
date 21.10.87 | 2. DO NO.E/57/II(C)
dated 11.11.87. |
| 3. E(NG)II/78/CL/2
date 21.02.84 | 3. Rect.686E/57/0/Pt.X(C)
Dated 16.03.84. |
| 4. E(NG)II/78/CL/2
date 02.11.84. | 4. Rect.706.E57/OPLX(C)
dated 10.01.85. |
| 5. E(NG)II/78/CL/2
date 25.04.86 | 5. Rect.732 E/57Pt.XI(C)
dated 21.05.86 |
| 6. E(NG)II/78/CL/38
date 12.06.87 | 6. E/57/0 Pt.XI(C)
dated 9.7.82 |
| 7. E(NG)II/79/CL/2
date 01.11.88 | 7. Rect.644/E/57/11Pt.II(C)
dated 25.11.88. |

DY. CPO/IR
For General Manager (P),
N.F.Railway, Maligaon.

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DOCUMENT NO. 'B'

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS (RAILWAY BOARD)

RBE NO.232/98

NO.E(NG)II/98/CL/32

New Delhi, dt.09.10.98

The General Manager (P)s,
All India Railways & Production Units etc.
(As per standard list)

Sub :- Screening of Casual labour borne on
the live/supplementary live casual
labour register.

As the Railways are aware, the extent instructions require that Casual Labour Live Registers should be maintained for open line casual labour (unit-wise) and for the Project casual labour (Division-wise) for each Department in each Division. The copies of these live registers are to be invariably maintained in the Divisional Office and updated every year.

1.1. Similarly Supplementary Casual Labour Live Registers are to be maintained Division-wise separately for both Open line and Project Casual labour who were discharged prior to 1.1.81 for want of work or due to completion of work and not re-engaged thereafter and who had applied by 31.3.87 for the purpose and were found eligible for the purpose by a Committee of Officers on each Division.

2. Now the Casual Labour on roll have been absorbed under the special drive during the period from 1.5.96 to 31.3.98, further, vacancies in the different departments of a Division/Unit may be filled up by screening the Casual labour borne on the Live register(s) and after

attested
Advocate

exhausting them, by screening those borne on the Supplementary live register of the Division/Unit.

2.1. In case of the Casual labour borne on Casual labour live registers, the regularisation will continue to be as per their turn according to seniority based on the number of days put in by them as Casual labour.

2.2. However, in case of the Casual labour borne on supplementary live register, the extent instructions which stipulate that the persons borne on Supplementary, live register will be considered for regularisation based on the service after re-engagement after 1.1.81 (it may be noted that after such re-employment they would have in any case appeared in the live register as well) have now lost relevance. The same are, therefore, modified to provide that the regularisation of Casual labour borne in Casual labour supplementary live register will be considered in accordance with the number of days put in by them prior to 1.1.81, those falling in this category being placed enbloc below any who may have rendered service after re-engagement after 1.1.81.

3. Board desire that the Notices of screening along with the lists of persons to be screened out of the persons borne on the live Register and/or Supplementary, Live Register as the case may be (the total no. of persons on the List being equal to the no. of vacancies required to be filled up by the screening), shall be issued under the signature of an officer of the Personnel Branch of the Division concerned. In

addition to displaying the Notice along with the List, on the Notice Board(s), etc. he will also send a letter under his signature enclosing a copy of the Notice and the list to each of the individuals concerned by Registered Post A/D advising that in case the individual does not turn up, his name will be deleted from the Casual Labour Live Register/Supplementary Casual Labour Registers as the case may be, and that thereafter he would have no further claim for consideration for absorption by screening in Group 'B', so that there is no difficulty in taking action for deletion of the names, of those who do not turn up.

Sd/-Illegible,
(Devika Chhikara),
Director Establishment(N)

(32)

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DOCUMENT NO. 'D'

N.F. RAILWAY

No. E/41/CL(E)/Pt-II

Office of the
General Manager(Personnel)
Maligaon, Dtd. 8.9.2000.

To

DRM/LMG and others.

Sub :- Regularisation and screening of Casual Labour borne on Live/Suppl. Live Casual Labour Register.

Attention is invited to the instruction contained to Railway Board's letter circulated under GM(P)'s No. Rectt/628, E/57/0/Pt.IX(C) dtd. 4.12.98. On the above subject and it is clarified that screening of Ex-Casual Labour borne in Liv/Suppl. Live Casual Labour Register against the vacancies of various department would not be a matter of course and automatic. Instructions stipulated therein should be followed strictly before screening test is held.

In addition to all such instructions issued locally from GM(P) MLG and in addition to the existing system of check, the following system has been evolved which should be adhered to positively.

- (a) At the time of screening, concerned divisions should nominate one Office of P/Branch of at least Asstt. Scale alongwith the list of Casual labourers of the Divisions to verify it

*Attested
Advocate*

verification both the Officers should be prepare a confirmed list of the Casual Labourers of the Divn. and it should be signed by both of them. This verified list should be considered for further proceeding of screening.

(b) Whenever there is a correspondence from any of of the executives conveying fresh inclusion of names in the list of Ex-Casual Labour, name should be immediately verified from the concerned executives, before it is given cognizance by the P/Branch of the concerned Divin. In this regard it is also stated that whenever there is any recommendations from the executive conveying fresh inclusion of name in the list of Casual Labour, it must be ensured that this has the personnel approval of the GM (according to current instructions).

(c) Whenever fresh appointees report to any of the fields units alongwith the appointment letter, it must be verified and cross-checked by the controlling officers of the field unit with the authority, who issued the appointment letter, regarding genuineness of the letter and candidate so appointed before induction.

All concerned are requested to have a thorough review of all the candidates (Ex-Casual Labourer) who are under consideration for screening/appointment pre-

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sently, before they are actually absorbed in Group-'D'
category.

In addition to above, further efforts may be made to do away laguna, if any, in the system of screening/appointment of Ex-Casual Labourers to avoid fraudulent appointment.

Sd/-
Dy.CPO/HQ/Maligaon,
for General Manager (B),
N.F.Rly. Maligaon.

No.E/Rectt/208/0/Pt-VII. Lumding, dtd. 15.09.2000.
Copy forwarded for information and necessary action
to :-

- 1) Sr. DFO, DPO, APOs, APO/GHY, AM/BFB, All Ms.
- 2) All Cadre sec. Incharges.
- 3) E/Rectt.

Sd/-
for Divl. Rly. Manager(P),
N.F.Rly, Lumding:

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DOCUMENT NO. **E**

NORTH EAST FRONTIER RAILWAY

No: RECT-914
NO: E/57/0 P.XII(C)

OFFICE OF THE
GENERAL MANAGER (P)
Gauhati-11.

To

Dated : 15.3.2001.

GM/MIG, GM(CON)/MLG, AGM/MLG,
All PH&Ds, All DRMs and ADRMs, DAOs,
WAO/NDQ, D&WS, Dy. CME/NDO, D&WS,
All Area Manager, All Sr. DRGs and DPOs,
All Sr. DME(D), DEN/D&RT, MIG,
WM(EWS)/DNGN, All AENs, OSD/RNY,
Sr. AM/GHY & NJP.
The GS/NFREU/NFRMU, AISCTREA & NEROBCEA/MIG.

Sub :- Absorption in the Railways of Ex-Casual Labour borne as the live/supplementary Live Casual labour registers.

A copy of Rly. Bd's letter No. E(NG)II-99/CL/19 dt. 20.2.2001 (RBE No. 42/2001) on the above subject is forwarded for information and necessary action. Bd's earlier letter dt. 9.10.90, 4.12.90 and 5.7.91 and dated 1.6.99 as referred to in their present letter were circulated as under :-

Rly.Bd's No. and date	GM(P)/MLG's No.and date
1. E(NG)1-95/BM1/1 Dt. 1.6.99. E(NG)II/90/CL/32 dt. 4.10.90	RECT-884/E/57/0 Pt.XII(C) DT. 4.12.90
2. E(NG)II-90/RR-1/107 dt. 4.10.90	RECT-893/E/227/144 P.X(C) dt. 21.03.91

Attested.
Advocate

Sub :- Absorption in the Railways of ex-Casual labour borne on the live/supplementary live casual labour registers.

In terms of the instructions contained in Board's letter No. E(NG)II/98/CL/32, dated 9.10.98, the ex-casual labour borne on live casual labour registers, will first be considered for absorption on the Railways strictly as per their turn according to seniority based on the total number of days put in by them as casual labour. Thereafter, the ex-casual labour borne on supplementary live casual labour register will be considered in accordance with the number of days put in by them prior to 1.1.81, those falling in this category being placed enbloc below any ex-casual labour who may have rendered service on re-engagement after 1.1.81, and his name is, therefore, borne on live casual labour register.

2. In terms of the instructions contained in Board's letter No. E(NG)II-98/RR-1/107 dated 4.12.98, minimum educational qualification for direct recruitment to Group 'D' posts in scale Rs. 2610-3500 has been laid down as Class-VIII passed. Further in terms of Ministry of Railway's letter No. E(NG)II/91/CL/71 dated 25.7.91, age relaxation to the extent of service put in as casual labour/substitute, subject to upper age limit of 40

years in the case of general candidates and 45 years in the case of SC/ST candidates not being exceeded, may also be granted in the case of casual labour substitutes for recruitment against group 'C' and 'D' posts. The OBC candidates will also get age relaxation, upto the upper age limit of 43 years, as has been granted to the serving OBC Railway employees vide Board's letter No.E(NG)I-95/FMI/1 dt. 1.6.99.

3. Both the Federations have been requesting for relaxation of the minimum educational qualification and age in the case of ex-casual labour borne on the Live/Supplementary Live Casual Labour Registers, - while considering them for absorption against group 'D' vacancies.

4. After considering the views of both the recognised Federations, the Board have now decided that, for filling up 60% of the open market recruitment vacancies for each recruitment in the category of Gangmen, scale Rs. 2610-3500, in the Civil Engineering Department, the minimum educational qualification of Class VIII passed need not be insisted upon while considering the ex-casual labour borne on live/supplementary live casual labour registers. The remaining 40% of open market recruitment vacancies in the category of gangmen, in Civil Engineering Department will be filled in through

direct recruitment from open market, in which ex-casual labour, who are lower in the seniority position (based on the total number of days of casual service put in) in the live/supplementary live registers, but possess minimum qualification of class VIII pass, can also apply. For all the other departments, only those ex-casual labour borne on live/supplementary live casual labour registers, who fulfill the minimum educational qualification of class-VIII pass would be considered for direct appointment against group 'D' vacancies.

5. Board's approval will however, be continued to be required for resorting to direct recruitment for filling up all Group 'D' vacancies on Railways, either by absorption of ex-casual labour borne on live/supplementary live casual labour registers or by doing fresh recruitment from open market. This is in line with the existing practice of taking Board's approval for such open market recruitments for filling up vacancies in Group 'D' in accordance with the instructions contained in Board's letter No.E(NG)II/91/RR-1/21 dated 16.9.91, wherein all Group 'D' recruitment on the Railways, from open market, had been stopped.

6. As far as age limit is concerned, it has been decided that the instructions contained in Board's letter No.E(NG)II/91/CL/71 dated 25.7.91 would continue.

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to be applicable as before in the case of general, SC and ST candidates. In the case of OBC candidates however, the age relaxation to ex-casual labour will be available upto the upper age limit of 43 years.

Please acknowledge receipt.

Sd/-
23/2/2001
(Deika Chhikara)
Director Establishment (N)
Railway Board.

(41)

ANNEXURE-F

GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS,
RAILWAY BOARD. NO. E(NG)II/90-/LG-3/31 dt. 31.10.99

The General Manager(P),
All Zonal Railways.

Sub :- Petition of Sh. Shyam Bihari Lal,
Convenor, Railway Shramik Sangharash
Samiti, Moradabad Divn. Northern
Railway presented by Shri Mohan Singh,
M.P.

Please refer to instructions contained in Board's letter of even number dtd. 23.1.95 on the above subject, which were issued pursuant to observations/ recommendations of committee on Petitions (10th Lok Sabha) contained in their 14th Report presented to the Lok Sabha in May, 1994.

Instructions issues vide Board's letter dt. 23.1.95 ibid inter-alia stipulated that prompt action should be taken for screening and absorption of casual labour against vacancies wherever existing in accordance with the extent instructions.

Committee on petition) 10th Lok Sabha) have stressed in their 20th report presented to the Lok Sabha on 31.5.95 that Board's instructions mentioned above may be implemented at the earliest so that justice is done to the genuine casual labour.

In view of the above, it is reiterated that the

Contd...P/-

*Attested
Advocate*

instructions contained in Board's letter of even number of dated : 23.1.95 should be implemented promptly. Action taken in the matter may please be intimated to this office at the earliest.

Sd/-
(M.D.Pillai)
Dy. Director, Estt. (N)/I
Railway Board.

No. E/Rectt/208/0 Pt. VI Lunding, dtd : 26.07.2000
Copy forwarded for information and n/action to :-

- 1) Sr. DFO, DFO, APOs, All BMs, All Assistant Officer.
- 2) All Cadre Section incharges.
- 3) All Sr. Subordinate incharges.
- 4) Divil. Secy. MU/EU/Lunding.
- 5) C CLWI/Lunding.
- 6) Principal Rly. School, Lmg, BPB.
- 7) Hd. Master RLY School, Dmv, DMR.

Sd/-Illegible,
26.7.00
for Divil. Rly. Manager (P),
N.F.Railway Lunding.

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS (RAILWAY BOARD)

NO.E(NG) II/90/LG-3/31. Ft. New Delhi, dt. 23.1.95

To

The General (F),
Northern Railway,
New Delhi.

Sub :- Petition of Shri Shyam Bihari Lal, Governor,
Railway Shramik Sangharsh Samiti, Moradabad
Divn. Northern Railway presented by Shri
Mohan Singh, MP.

Kindly refer to the correspondence resting with
your letter No. 961-E/123/IRIMSA/EIHA/Pt. I dt. 6.5.94
on the above subject.

2. The above petition was examined by the Committee
on the petitioners (10th Lok Sabha) who, in their 14th
Report presented to the Lok Sabha in May, 1994, have
inter-alia observed that it was lack of proper main-
tenance and updating of live registers of Casual Labour
which led to the selection Board to depend upon the
certificates issued by the supervisors and gave an
opportunity to the concerned supervisors to issue fake
certificates. The committee have, therefore, inter-alia
recommended as under :-

- i) The Ministry must ensure proper main-
tenance and updating of live registers of Casual
Labours under supervision of superior Officers
so as to eliminate the scope of manipulation
etc. in future.

Contd...P/-

ii) Pending cases of corruption and irregularities against officials may be finalised without any further delay and appropriate action taken against the guilty persons.

iii) Genuine Casual labour who fulfill the eligibility criteria must be absorbed and regularised without any delay.

3. The above recommendations have been considered by the Railway board, who desire to reiterate the instructions issued by the Board, from time to time for proper maintenance of casual labour live registers. The Railway's particular attention in this connection is invited to instruction issued vide Board letters No. E(NG)II/18/CL/2 dated 22.11.84, E(NG) 11.87/9L/38 dt. 12.6.87, E(NG)II/78/CL/2 dtd. 8.12.88 and E(NG)II/89/CL/1 dtd. 23.2.90.

4. As already stipulated in Board's letters referred in para (3) above, the Casual labour live registers should be maintained in duplicate. While one copy should be lodged with the Division, the other copy is to be maintained in the respective field formation on the Zonal Railways. The registers should be reviewed every year and updated preferably during first quarter of the year. This registers so maintained should scrutinized by senior gazetted officers at least once annually record kept in the register itself to show by whom it was checked.

Contd...P/-

5. Board desire that one above instructions regarding proper maintenance of casual labour live registers should be scrupulously followed. Any lapse on the part of any authority in this regard should be viewed seriously and deterrent action should be taken against the officers/staff concerned.

6. The Board also desirers that in future, the entries in the live register/ supplementary live registers, service Book and Casual Labour Cards should be the ones which should be relief upon while considering the eligibility of the casual labour for re-engagement, screening etc.

7. Board also desire that all pending cases of corruption and irregularities against the officials, in respect of the empanelment of Casual labour for absorption as Loco Cleaner and Fitter Khalasi in the Moradabad Division in 1987-88 examined by the committee on petitions (Lok Sabha) should be finalised without any further delay and appropriate action taken against the guilty officials under advice to Board.

8. As regards absorption of the Casual Labour, attention is invited to the extent instructions which provide that all posts in the Group-D categories barring certain exceptions like compassionate appointments, appointments against sports quota and posts in Diesel/ Loco sheds and workshops etc. should be filled by

screening and absorption of casual labour; Board desire that prompt action should be taken for screening and absorption of casual labour against vacancies wherever existing, in accordance with the extent instructions.

Please acknowledge receipt.

sd/-(M.D.Pillai)
Dy. Director, Estt(N)I
Railway Board.

Copy to :-

GMs(P), All Indian Railway (except Northern Railway) for strict compliance of instructions contained in paras 3 to 6 and 8 above.

Sd/-
Dy. Director, Estt (N)I,
Railway Board.

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OFFICE OF THE GENERAL MANAGER(P)
MALIGAON, GUWAHATI-11

NO.E/57/0(C) Pt.XII

Dt. 6.12.99

To

DRM(P)/LMG and others,

Sub :- Petition of Shri Bihari Lal, Convenor, Rly.
Shramik Sangharsh Samiti, Maradabad Division,
Northern Railway presented by Shri Mohan
Singh, M.P.

Copies of Railway Board's letters No.
E(NG)/II/90/LC-3/31 dt. 23.1.95 and 31.10.95 received
under Board's letter of even number dt. 16.11.99, are
sent herewith for confirmation of the candidates, laid
down in the Board's letters.

Your information, as asked for may please be
reached to this office by 10/12/99, positively.

Sd/-

for General Manager (P)
N.F.Rly.

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS RAILWAY BOARD.

NO. E(NG) II/90/LG-3/31 NEW DELHI, DTD : 16/11/99.

To

The General Manager (P)s,
All Indian Railways.

Sub : Petition of Shri Bihari Lal Convenor, Railway
Shramik Sangharsh Samiti, Moradabad Division,
Northern Railway Presented by Shri Mohan
Singh, M.P.

Please refer to Board's letters of even number
dated 23/1/95 and 31/10/95 (copies of both the letters

Contd...P/-

are enclosed) and furnish the follow up action taken in the matter immediately as these papers are urgently required to be put up to the Board.

DA/As above.

Sd/-
(Devika Ghikara)
Director Establishment (N)
Railway Board.

(49)

DOCUMENT NO. 56

To

The Divisional Railway Manager,
N.F.Railway, Lumding..

Respected Sir,

Sub :- Appointment of Ex-Casual Labour.

Ref :- 1) Rly. Board's letter No.E/M9/11/98/CL/32
dt. 2.3.87.
2) Rly. Board's letter No.E/M9/11/98/CL/32
dt. 9.10.98.
3) GM(P)/MLG's letter No.E/41/CL(E)-Pt.II
dated 8.12.98.

I, on behalf of the Casual Labour Organisation of Lumding Division, beg pardon to state that on the strength of the above Rly. Board's circular and instructions some of the Ex. Casual Labourers were screened and appointed time to time and very recently on 3rd, 4th, 5th November/1999 a screening test of 194 Ex-Casual Labourers were conducted by DRM(P)/Lumding and appointed themselves.

But in this connection I like to bring to your kind notice that though we the Ex Casual Labourers shown in the attached list submitted our applications for appointment in regular cadre along with valid discharged certificates time to time and gave interview individually to DPO/Lumding, APO/PC/Lumding with discharged certificates for consideration of our case. But with no effect.

How sad it is that where the applications were

attested
Advocate

submitted, the dealer concern did not acknowledge even. Finding no other alternative applications were sent to DPO/LMG by Regd. post. One case is placed before you as a token of example. Application of Sri Kanti Kr. Das, Ex. Casual Labourer dt. 07.04/1983, 10.07.85, 16.03.87, 10.11.89, 01.10.98, 05.03.99 and 11.01.2000 along with discharged letter, photo copies enclosed in his application of 11.02.2000 addressed to DRM/LMG - he pointed out that four Ex.Casual labourers originally worked with him as CL and these four Ex-Casual Labourers were appointed and working at present except Sri Kanti Kumar Das, Ex. C.L.

In this connection it is further stated that whenever we attended office we were told that our names have not been included in live-Register. Then we prayed to include our names in the Live Register as per the genuineness of discharged letter and Master Sheets available with the Subordinates. But no action has been taken in respect of inclusion of our names in the Live Register. We think that due to our 'GARIBI' our names were not included in the Live Register/Suppl. Register.

In the above circumstances, most fervently we pray to your highness kindly intervene into the matter personally so that we the genuine C/Labourers may not be deprived of being appointed.

At last, we, the Ex-casual labourers were taking

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shelter under the shadow of the justice for absorption
in regular cadre.

Yours faithfully,

Sd/- ARUP MAZUMDER,
Secretary,
Casual Labour Orgn.
Lunding Division,
Loco Running Council,
P.O. Lunding, Dt.-Nagaon,
Assam.

Dated : 19.5.2000

Copy to :-

- 1) Smt. Momata Banerjee,
Hon'ble Minister for Railways,
Govt. of India, New Delhi.
- 2) GM(P)/MLG, N.F.Railway.
- 3) Shri Rajen Gohain (Nagaon-10),
Hon'ble M.P.
- 4) Com. Basudev Acharya,
Hon'ble M.P., New Delhi.
- 5) Secretary, AIREC/Lunding Division.

Sd/-Arup Kr. Mazumder,
Secretary.

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DOCUMENT NO. 11

To

The Divisional Rly. Manager,
N.F. Railway, Lumding.

Sir,

Sub :- Appointment of Ex-Casual Labourers.

Most respectfully, I, on behalf of the Ex-Casual Labour Organisation beg pardon to state that a memorandum on the above subject have been submitted to Ex-DRM dated 19.5.2000 with a list of Ex-Casual Labourers awaiting appointment but with no effect (Photocopy enclosed).

In this connection, we met with Dy. CPO/MLG who advised to meet with DRM/Lumding as the instruction has already been sent to the Divisional authority, Lumding - photocopy of the Dy. CPO/MLG's circular addressed to DRM/LMG is enclosed herewith for your ready reference.

In the above circumstances, most respectfully I pray to your highness kindly to intervene into the matter for early appointment of the Ex-Casual Labourers who are awaiting for screening and oblige thereby.

DA/- 1) Memorandum submitted
to Ex-DRM dt. 19.5.2000
& relevant documents.

Attested
[Signature]
Advocate

2) Dy. CPO/MLG's circular.

Yours faithfully,m

Sd/-Arup Kr. Mazumder,
Ex-Casual Labour Organisation,
Lunding,
C/o Loco Running Staff
Association, Lunding, P.O.
Lunding, Dt- Nagaon, Assam.

[54]

DOCUMENT NO. SI

To

The General Manager,
N.F.Rly. Maligaon,
Guwahati-11.

Respected Sir,

Sub :- Memorandum on absorption of Ex-Casual
Labour in N.F.Railway.

I, on behalf of the Ex-Casual Labours, who are awaiting absorption bring to your kind notice the following facts for your sympathetic consideration and necessary action please.

That Sir, in terms of Rly. Boards letter No. E/N-9)11/84/CL/41 dated 2/3/87 and 21/10/87 Railway Board directive all General Managers of Indian Railways vide No. E/N/9/11/98/CL/32 dated 9.10.98 para No. 1.1 to maintain Supplementary Casual labours live register Divisionwise separately for both open line and Project Casual Labours who were discharged prior to 1.1.81 and after 1.1.81 for want of work and who had not been re-engaged and applied by 31.3.87.

In this connection it is stated that the Rly. authority DRM(P)/LMG did not circulate the circular through notice Board of all important Rly. stations of Lunding Division and through Newspaper to apply to the Railway by 31.3.87 for inclusion their names in the supplementary live Register. The Ex-Casual labour

attested
[Signature]
Advocate

loosing their work were spread out in different places for their livelihood by means. The then DPO/Lumding prepared Live/Supplementary live register whimsically where most of the genuine Casual Labours were deprived.

It is so painful that the Casual Labours who residing at Lumding, heard the news and submitted their applications repeatedly within the target dated of 31.3.87 but was not considered. As for example copies of Shri Kanti Kumar Das, Ex-Casual labour applied for time to time copies are enclosed herewith for kind perusal please.

The DRM(P)/Lumding absorbed some Casual Labours in the year 1991 when maximum genuine Casual Labours were not favoured.

In the year 1999 when we approached the DRM/P/Lumding they denied verbally to us that there were no Ex-Casual labour awaiting in Live/Supplementary live Registers; The DRM(P)/Lumding did not receive our applications also. But no regular pressure by our Organisation and one Organisation of the Railway (AIREC) a list of Ex-Casual Labours were published containing 194 Ex-Casual Labours and they have already been regularised through screening held on 3.11.99 and 5.11.99 in DRM(P)/Lumding's office.

We the Casual Labours Organisation, Lumding

Branch requested the Sr. DPO/Lumding to collect the names of Ex-Casual Labour Sinprdomate Wise as per Master Roll duly certified by the respective departmental Gazetted Officer to ensure genuineness. But the Sr.-DPO/Lumding whimsically prepared the list of 194 Ex-Casual Labours leaving maximum number of genuine Ex-C.L. Thereafter we the Ex-Casual Labours submitted individual application again with a true copy of Casual Labours Certificate and C.L.Card issued by the authority of controlling unit for appointment.

We requested Branch Officers, under whom we work to take necessary action and to certify our genuineness.

The respective Branch Officers Engineering and Mechanical Deptt. collected the names from the subordinate Offices who are awaiting absorption and their names exists in the Master Roll and in the Register maintained in Subordinate offices and then sent to Sr. DPO/Lumding duly certified for necessary action. As per extent rule in the year 2000.

But Sr. DPO/Lumding stated that as our names were not entitled in the live/supplementary live registered maintained in personnel branch will not be considered for screening.

The General Manager (P)/Maligaon vide his L/No.RECT-314 No.E-57/0/Pt.XII(C) dated 15.3.2001 has

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circulated Rly. Boards L/No.E/N-G/11-99/CL/19 dtd.
28.2.2001 for absorption of ex-casual labour who borne
in Live/Supplementary Live Registered.

In the above circumstances I, on behalf of the
Casual Labour Organisation Lumding Division requesting
you to consider our cases and kindly absorb us through
screening as per turn under which 194 have been regular-
ised in 1999 so that we may live hand to mouth with our
children, otherwise we shall die for hardship and there-
by obliged.

Date : 21.6.2000

Yours faithfully,
Sd/-Sri Baneshwar Chakraborty,
Secretary, Casual Labour
Organisation, Lumding Division.

[58]

DOCUMENT NO. J

To

Shri Nitish Kumar,
Hon'ble Minister of Railways,
(Rail Mantralaya) Railway Board,
New Delhi.

Respected Sir,

Sub :- Appointment of Ex-Casual Labour
in N.F.Railway.

I, on behalf of the Ex-Casual Labours, who are awaiting absorption bring to your kind notice the following facts for your sympathetic consideration and necessary action please.

That Sir, in terms of Rly. Boards letter No.E (N-9)11/84/CL/41 dated 2.3.87 and 21.10.87 Railway Board directed all General Managers of Indian Railways vide No.E/N-9/11/98/CL/32 dated 9.10.98 to maintain Casual labours live register Divisionwise separately for both open line and Project Casual Labours who were discharged prior to 1.1.81 and after 1.1.81 and who had not been engaged and applied by 31.3.87.

In this connection it is stated that the Rly. authority DRM(P)/Lmg did not circulate the circular through notice Board of all important Rly. stations of Lunding Division and their names in the live Register. So many casual labour did not apply by 31.3.87 as they did not know about the matter.

*Attested
Advocate*

It is so painful that the Casual Labours who are working at Lumding, heard the news and many of them submitted their applications within 31.1.87 but the Office did not acknowledge even many applications were not received in the Office of the DRM(P)/Lumding. Their names were not included in the Live Register.

The DRM(P)/Lumding absorbed some Casual Labours in the year 1991, but maximum Casual Labourers were not favoured.

Therefore, they applied several times to include their names in the live register. But on regular pressure by our Organisation a list of Ex-Casual Labours was published containing 194 Ex-casual labours and they have already been regularised through screening held on 3.11.99 to 5.11.99 in DRM(P)/Lumding's Office. Many genuine Casual labours were not favour for screening.

The photocopies of the relevant documents and all correspondences are enclosed herewith. The memorandum submitted to General Manager dated 21.6.2000 is enclosed herewith which is self explanatory may kindly be seen.

May I, therefore, pray and hope that you would be kind enough to look into the matter sympathetically

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and your consideration may help them and they may be absorbed on your kind intervention on the matter.

Yours faithfully,

Sd/-Baneshwar Chakraborty,
Secretary,
Casual labour Organisation,
Lunding,
C/o Loco Running Staff
Association, Loco Colony
Lunding, P.O. Lunding,
PIN-782447
Dist-Nagaon, Assam.

Dated : 2.8.2001

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No: 140 of 2002.

Date of Order : This the 21st Day of May, 2003.

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

THE HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER.

1. Sri Kanti Kumar Das
S/o Sri Tulsi Chandra Das
2. Sri Dilip Chandra Dey
S/o Late Karuna Sankar Dey
3. Sri Bhabatosh Acherjee
S/o Hari Mohan Acherjee
4. Sri Banerwar Chakraborty
S/o Manindra Chakraborty
5. L. Appa Rao
S/o Sri L. Ram Loo
6. Sri Sentu Aich
S/o Late Satindra Kr. Aich
7. Sri Rabi Malakar.
S/o Manindra Malakar
8. Sri Prem Las
S/o Late Babin Lal
9. Sri Babul Chandra Dey
S/o Jatindra Ch. Dey
10. Sri Nishan Basfor
S/o Ram Prasad Basfor
11. Sri Binal Bhattacharjee
S/o Sudhir Kr. Bhattacharjee
12. Sri Nitai Das
S/o Sri Abhimanya Das
13. Sri Sushil Kumar Dey
S/o Sri Birendra Kumar Dey
14. Sri Haradhan Dey
S/o Umesh Chandra Dey
15. Sri Monalal Chakraborty
S/o Late Nishi Las Chakraborty
16. Sri Biswanath Kumar Dey
S/o Prasanna Kumar Dey
17. Sri Uddab Das
S/o Navadeep Das
18. Sri Narayan Kuri
S/o Tarani Kuri
19. Sri Kartik Malakar
S/o Late Jatindra Malakar
20. Sri Pijush Kanti Deb
S/o Late Prakash Chandra Deb
21. Sri Sajal Kanti Dey
S/o Jatindra Mohan Dey.

Contd./2

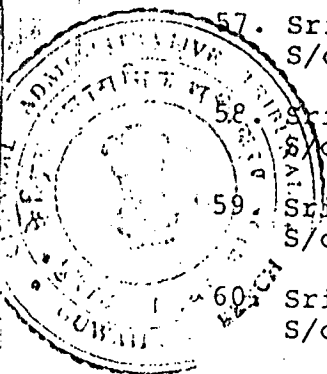
*alleged
Advocate*

... : 2 :

- 22. Sri Pravir Kumar Dhar
S/o Bhupendra Dhar
- 23. Sri Rama Rao
S/o Late Kar Rlaiya
- 24. Sri Lakhmi Narasaiya
S/o T. Narayan.
- 25. Sri Haradhan Debnath
S/o Krishnalal Debnath
- 26. Sri Gauranga Mazumdar
S/o Manoranjan Mazumdar
- 27. Sri Swapan Kumar Deb
S/o Manoranjan Deb
- 28. Sir Anil Chakraborty
S/o Mahendra Chakraborty
- 29. Sri Tapan Kumar Ghose
S/o Surendra Ghose
- 30. Sri Harilal Bhagat
S/o Kapildeo Bhagat
- 31. Sri Bindaram Biswas
S/o Nilamani Biswas
- 32. Sri Amulya Rishi
S/o Rabindra Rishi
- 33. Sri Rameswar Kathar
S/o Late Sital Kathar
- 34. Sri Babul Talukdar
S/o Debendra Talukdar
- 35. Sri Gauranga Dey
S/o Kailash Dey
- 36. Sri Sadhu Tati
S/o Krishna Tati
- 37. Sri Niranjan Dutta
S/o Pran Krishna
- 38. Sri Dulal Das
S/o Kalipada Das
- 39. Sri Khokan Ch. Dey
S/o Nagendra Dey
- 40. Sri Babul Deka
S/o Digambar Deka
- 41. Sri Ranjit Tati
S/o Kamdhan Tati
- 42. Sri Babul Dey
S/o Prafulla Dey
- 43. Sri Gopal Kaya
S/o Arma Kaya
- 44. Sri Narayan Chandra Dey
S/o Late Hari Mohan Dey
- 45. Sri Lalit Mohan Paul
S/o Jogeswar Paul



46. Sri Shiba Prasad Shyam
S/o Kanailal Shyam
47. Sri Sajal Dutta
S/o Amulya Ranjan Dutta
48. Sri Sushil Choudhury
S/o Ramani Choudhury
49. Sri Paltan Mandal
S/o Surendra Mandal
50. Sri Gopal Orang
S/o Janki Orang
51. Sri Ranjit Debnath
S/o Srimanta Debnath
52. Sri Kageswar Bora
S/o Jonaram Bora
53. Sri Gopal Ch. Das
S/o Kamini Kr. Das
54. Sri Sugrib Tati
S/o Santo Tati
55. Sri Lila Tati
S/o Cheroo Tati
56. Sri Chunnilal
S/o Ram Chandra
57. Sri Madhab Tati
S/o Jogli Tati
58. Sri Putul Tati
S/o Raghmani Tati
59. Sri Bagai Tati
S/o Bablu Tati
60. Sri Judhisthir Nath
S/o Dhirendra Nath
61. Sri Durga Paul
S/o Jagabandhu Paul
62. Sri Sibendra Chakraborty
S/o Jitendra Chakraborty
63. Sri Parimal Chandra Dey
S/o Satish Ch. Dey
64. Sri Ajit Kumar Deb
S/o Kalachand Deb
65. Sri Durgush Thakur
S/o Kamal Thakur
66. Sri Gopal Sarma
S/o Indramani Sharma
67. Sri Lakhna Debnath
S/o Hargobinda Sarkar
68. Sri Swapan Sarkar
S/o Late Jogendra Sarkar



- 69. Sri Dulal Sarkar
S/o Late Jogesh Sarkar
- 70. Sri Puneswar Phukan
S/o Late Akaman Phukan
- 71. Sri Maran Mazumdar
S/o Prafulla Mazumdar
- 72. Sri Kartik Gore
S/o Dasarath Gore.
- 73. Sri Subhash Chandra Debnath
S/o Late Nirod Ch. Debnath
- 74. Sri Jiban Chandra Sarkar
S/o Late Sachin Sarkar
- 75. Sri Minash Ali
S/o Rajib Ali
- 76. Sri Minash Ali
S/o Gobinda Dey.

All the applicants are resident of Lumding in the District of Nagaon, Assam.

. . . . Applicants.

By Advocates Mr.Sarbanda Das, Mr.G.Pathak.

- Versus -

- 1. Union of India
Represented by the Secretary to the Government of India in the Department of Railways
Rail Bhawan, Raisina Road
New Delhi - 110 001.

The General Manager (Personnel)
North-East Frontier Railway
Maligaon, Guwahati - 781 011.

Senior Divisional Railway Manager (P)
Lumding, District:- Nagaon
Assam.

. . . . Respondents.

By Mr.S.Sarma, Railway Standing counsel.

ORDER

CHOWDHURY J.(V.C.):

The applicants are 76 in number who claimed that they rendered services under the respondents as casual labourer and were subsequently retrenched. The applicants claimed that Railway Board introduced a scheme for absorption of such workers. The policy was introduced to absorb the casual labourers who were discharged before 1.1.1981 which included open line and project line casual labourers. These

... claimed that they also moved the authority for providing the benefits of the Railway Board Circular, 1937.

But in the Live-Register/Supplementary Live Register prepared by the authority the name of the applicants were not included. According to the applicants, their case was not properly considered.

2. The respondents in the written statement denied and disputed the claim of the applicants and submitted that these applicants submitted representations at a belated stage, therefore the authority did not consider it fit to entertain their representations. In the written statement the respondents submitted that the authority considered the cases of all the persons those who filed applications in time and pursuant thereto 194 name of casual workers were registered. Since the applicants did not apply in time their case could not be considered.

3. We have heard Mr.S.Das, learned counsel for the applicants and also Mr.S.Sarma, learned Standing counsel for the Railways.

We have given our anxious consideration on the matter. The issue raised in this application requires further evaluation of facts on verification of the records. Considering the facts and circumstances of the case, we are of the opinion that ends of justice will be met, if a direction is issued to the applicants to submit individual representations before the General Manager (P), N.F.Railway, Maligaon, Guwahati-11. Accordingly, the applicants are directed to submit individual representations before the aforesaid authority within a period of one month from the receipt of the order. If such applications are made, the authority shall consider their case as per law and pass appropriate order. It is expected that the authority shall



(66)

consider it expeditiously and preferably within a period of six months from the receipt of the individual representations.

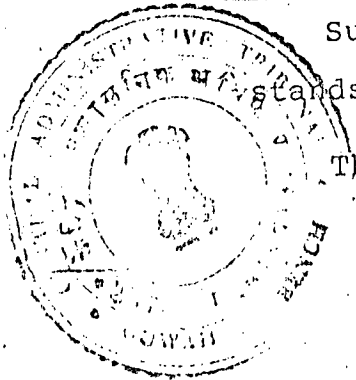
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Subject to the observations made above, the application stands disposed of.

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

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)



Certified to be True Copy
गण्डिनगर बेंच

[Signature]
28/5/03
Section Officer (A)
C.A.T. GANDHINAGAR BENCH
Gandhinagar-382005

[Signature]
28/5/03

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: _____/

Misc Petition No: _____ 78/03 in O.A.140/02

Contempt Petition No: _____/

Review Application No: _____/

Applicants: - K.K. Das & others

Respondants: - K.O.I. Form

Advocate for the Applicants: - Mr. S. Das.

Advocate for the Respondants: - Case.

Notes of the Registry Date _____, Order of the Tribunal

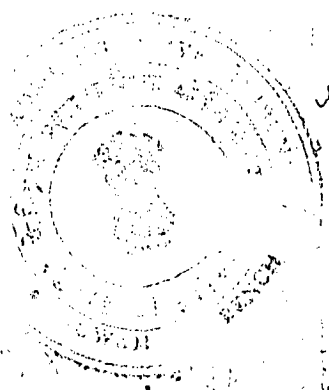
23.7.2003

Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. N.D. Dayal, Administrative Member.

We have heard Mr. Sarbeswar Das, learned counsel for the applicants who has prayed for correction of the typographical errors in describing the names of some of the applicants in O.A.140 of 2002. While typing the order some typographical errors were crept in like in Sl.No.8 the applicant Sri Prem Lal is wrongly shown as Sri Prem Las. Similarly, at Sl.No.73, the applicant Subal Chandra Debnath is wrongly typed as Subhash Chandra Debnath, so also the name of the applicant Santoo Dey is wrongly shown as Minash Ali at Sl.No.76. The father of Santoo Dey is rightly shown as Gobinda Dey. These are all typographical errors and the names of aforementioned applicants requires to be corrected and ^{thus} stands corrected.

Contd.

attested
S. Das.
Advocate



23.7.2003 Applicant Nos 8, 73 and 76 shall now be read as Prem Lal, Subal Chandra Debnath and Santoo Dey respectively. Similarly, in typing the name of the learned counsel appearing for the applicants was mistakenly described as Mr. Sarbanda Das instead of Mr. Sarbeshwar Das. The same also stands corrected.

The application is accordingly allowed.



Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

bb

Memo No.

27

Copy for information and necessary action to:

- 1) Mr. S. Das, Advocate, Gauhati High Court, Gauhati
- 2) Mr. S. Sharma Advocate for Railway, C.A.T, Gauhati Bench.

Section Officer (J)
28/7/03
4297

Sub-Section Officer
C.A.T. Gauhati Bench
Gauhati

25-6-2003

22

To,
The General Manager, (P)
N.F. Railway,
Maligaon, Guwahati-11.

Ref. : Order dated 21.05.2003 passed by the Hon'ble
Central Administrative Tribunal, Guwahati
Bench.

Sub ; Absorption of Ex. Casual Labour.

Sir,

I have the honour to state the following :

1. That being an Ex-Casual Labour under the Jurisdiction of Lumding Division of N.F. Railway, I applied for absorption in regular post along with other similarly situated workers in terms of policy declared by the Govt. of India and Railway Board from time to time. But, my case was not considered at that time, though a group of workers have been absorbed leaving aside my claim without showing any reason.

2. That being aggrieved by the non consideration of my case, I have filed a case before the Central Administrative Tribunal, Guwahati Bench along with other similarly situated workers of Lumding Division.

3. That after hearing the case the Hon'ble Tribunal passed an order on 21.05.2003.

4. That in terms of the aforementioned order I am submitting this application for consideration of my case. The copy of Discharge Certificate and a copy of the

Contd.....P/2

*attested
Advoc.
Advocate*

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Tribunal's order are enclosed herewith for your ready reference.

Hence, I hope that you would be kind enough to take appropriate step for my absorption in a substantive post according to the policy declared by the Railway Board and in terms of the order passed by the Hon'ble Tribunal and oblige.

Thanking you.

Yours faithfully,

Kanti Ku Das

(KANTI KU. DAS.)

Son of Late - Tulsi Charan Das
Vill. : C/O - Kamakhya Debaray
P.O. : R/No. 38/B(A) Loco Colony
Dist. : Luming (ASSAM)
Date :- 15-06-03

Enclo :-

- 1. Copy of Discharge Certificate.
- 2. Copy of Tribunal's order dt.21.5.03.

Copy to :-

The Divisional Manager,
Luming Division, N.F. Railway,
Luming for favour of necessary action.

[71]

DOCUMENT NO. N

N.F.RAILWAY

Office of the
Divil. Rly. Manager (P).

No. E/57/6/Pt.I(Ex-CL)

Dated : 25.02.04

To

Shri Sajal Kanti Dey,
Santi Para (Naba Patty),
Lumding-782447.

Sub : O.A. No. 140 of 2002 Before CAT/MLC in
connection with your appeal dtd.15/16-06-2003
is appended below.

Ref : Your appeal dated 15/16-06-2003.

The speaking orders passed by GM(P)/MLG in
connection with OA No. 140 of 2002 before CA/TR/GHY is
appended below :-

" Hon'ble Tribunal in their order dtd. 21.5.03
directed the applicants to submit individual
representations before the authority within a period of
one month from the receipt of the order. If such appli-
cations are made, the authority shall consider their
case as per Law and pass appropriate order. Accordingly,
the applicants have submitted their representation,
which were received by the Office on 04.07.2003.

The undersigned has gone through the Hon'ble
CAT/Guwahati's order dtd. 21.5.03 and the representa-
tions in details submitted by the applicants.

attested
[Signature]
Advocate

It is ascertained from DRM(P)/LMG that the applications which were received from the discharged Casual Labour on or before 31.3.1987, were scrutinized by a three member verification Committee and the name of 194 Casual workers were included in the Supplementary Live Casual Labour register rejecting the fake and ineligible applications.

The applicants in the said OA did not submitted such application to register their names in the sub Live Casual Labour Register as per railway Board's instructions within the target dtd. 31.3.87.

It is seen from the representations submitted by the applicants that they did not furnish any documentary evidence to prove that they had submitted their applications to register their names in the supplementary Live Casual Labour register in proper time. They also did not mention about the effect they made to register their names.

Railway Board vide their letter No.E(NG) II-78/CL/2 dtd. 4.3.1987 has given chance to the discharged Casual Labour to represent for registering their names in supplementary live casual Labour register on and before 31.3.87 giving the detailed particulars such as date of birth, date of engagement, educational qualification, personal mark of identification with adequate documentary proof in this regard along with a

attested copy of the Casual Labour card and any other proof of having worked as Casual Labour for verification of the grievances of the claim for consideration of regular absorption in due course. But the applicants did not do so to register their names at that time. As such at this distant date, it is quite an impossible task to verify the genuineness of their claim.

In the circumstances mentioned above their claim cannot be maintained as per rules and Law."

(Sd/-N.K.Sutradhar)
25.2.04
APO/PC/Lumding,
for Divil. Rly. Manager (P),
N.F.Railway, Lumding.

Copy to :

GM(P)/MLG in reference to his letter No. E/70/
LC/NS/191/2002 dtd. 5.2.2004.

(Sd/-N.K.Sutradhar)
25.2.04
APO/PC/Lumding,
for Divil. Rly. Manager(P),
N.F.Railway, Lumding.

(74)

Annexure - 0

93

Interpolated seniority list of Ex.CL/CPC of Open line and retrenched CL of Construction organization and CL/CPC worked under FCW (IOW/PCW/LMG). Reference Dy. CPO/IR/MLG's L/No. PE/41/CL(E) dtd. 9.6.98 and Dy. CPO/CON/MLG's D.O. L/No. E/283/CON/CL(2) dtd. 29.5.98 and GM(P)/ MLG's L/No.E/41/ CL(E)Pt.II dt. 8.12.98 and SEN/FCW/MLG's L/No. W/FCS/MLG/E-14(B)Pt.I DTD. 11.7.95.

S/ No	Name	Father's Name.	Engage Under	Date of Birth	Date of Engage-ment.	Date of Disch-arge	Total Worki-ng days.
1	2	3	4	5	6	7	8
1	Najrul Islam	Najir Hussain.	PWI/NOG	29.6.59	29.6.77	26.5.83	2156
2	Padmeswar Patar.	Harumath Patar.	-do-	27.3.55	20.5.55	15.10.82	1608
3	Sankar Roy	Talabir Roy	-do-	29.6.57	29.6.77	15.10.81	1568
4	Binode Behari Sarkar.	G.C. Sarkar	ICW/FCW/IMG.		3.6.74	16.10.90	1359
5	Chandan Mazumder.	S.N. Mazumder	-do-		16.5.77	20.10.86	1161
6	Suresh Das	Umesh Das	PWI/NOG	29.9.49	29.6.81	7.8.84	1134
7	Suku Ram Kalita.	P. R. Kalita.	ICW/FCW/IMG		10.8.83	17.10.90	1031
8	Dilip Saikia.	B. Saikia	-do-		28.5.83	17.10.90	1130
9	Suren Ch. Talukdar.	H.C. Talukdar	-do-		29.5.83	17.10.90	1127
10	Guneswar Das.	N.C.Das	-do-		5.6.83	16.10.90	1124
11	Devakanta Das.	G.K.Das	-do-		10.6.83	18.10.90	1118
12	Bonsidhar Phukan.	K.R.Phukan	-do-		7.7.83	17.10.90	1101
13	Miss. Lili Sarania (S/C).	W/o P.	XEN/CON/SHTT.	21.1.62	9.11.82	31.7.85	1024
14	Jogen Ch. Deka.	Danda Ram Deka.	ICW/FSW/IMG		25.5.84	18.10.90	1005
15	Swapan Kt. Dey (No.3)	B.P. Dey.	-do-		12.5.84	17.10.90	998
16	Gopal Acharjee.	S.C. Acharjee	-do-		26.5.83	16.10.90	991
17	Dhiraj Kumar.	Maheswsar Kumar.	-do-		30.5.84	18.10.90	978
18	Chandra Kr. Sarkar.	Sukumar Sarkar	PWI/NOG	28.5.60	15.10.78	18.4.81	912
19	Guan Mohan Mandal.	H.B.Mondal	IOW/FCW/IMG		27.6.75	20.10.81	861

attested
Adv.
Advocate

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1	2	3	4	5	6	7	8
20	Gopal Ch. Datta.	K.C.Dutta	IOW/FCW/IMG		22.5.85	18.10.90	837
21	Swapan Kr. Dey. (No.1)	M.K.Dey	-do-		17.8.78	20.10.85	776
22	Golap Das	Rupran	XEN/CON/SHTT.	1.1.62	28.9.83	13.10.85	775
23	Kamal Khaklary (ST)	B.	-do-	1.1.57	30.9.83	13.10.85	774
24	Dineswar Gogoi.	P. Gogoi	IOW/IMG		9.8.85	17.10.90	768
25	Deban Das (SC)	Karman	XEN/SHTT	16.10.58	7.10.83	13.10.85	766
26	Ananda Das	Narayan	-do-	16.12.64	12.10.83	15.10.85	761
27	Udai Doimary (ST)	B. Daimary	-do-	1.7.56	17.10.83	13.10.85	756
28	Birendra Kalita	P.R.Kalita	IOW/FCW/IMG		13.7.86	16.10.90	600
29	Durganath Phukan	S.K.Phukan	-do-		6.6.83	20.10.86	556
30	Ram Chandra	Radhika	XEN/CON/CD	3.4.64	12.5.82	31.10.83	538
31	Naren Ch. Das	Kalicharan Das	HWI/NOG	12.7.37	2.6.81	15.10.82	500
32	Bishnupada Das	Monoranjan Das	-do-	2.11.58	2.6.81	15.10.82	500
33	Ranjit Kr. Dey	Rukmini Ch. Dey.	-do-	20.11.60	2.6.81	15.10.82	500
34	Siblal Putatunda	Makhan Lal Putatunda	IW/FCM/LGM		18.7.86	17.10.90	474
35	Suren Phukan	G.C. Phukan	-do-		25.5.84	19.10.86	444
36	Bishnupada Dey	Mahim	PWI/H/IMG		24.10.81	31.3.83	443
37	Azimul Haque	B.B.Haque	XEN/CCN/*SHTT.	1.1.59	6.2.83 8.10.84	25.8.84 31.10.85	436
38	Uttam Bardhan	B.R.Bardhan	ICW/FCW/IMG	-	24.5.83	18.10.85	435
39	Pratap Ch. Das	S.C.Das	-do-		25.5.83	25.5.86	431
40	Cheni Ram Basumatary (ST)	Kuhiram	XEN/CON/SHTT.	25.6.62	4.10.84	13.10.85	404
41	Suren Bora	Nandeswar	-do-	30.7.59	8.10.84	13.10.85	400

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1	2	3	4	5	6	7	8
42	Hareswar Basumatary (ST)	Posuram	-do-	17.10.63	11.10.84	31.10.85	396
43	Dipak Barua	S. Barua	IOW/FCW/IMG		12.6.84	20.10.86	390
44	Parimal Acharjee.	B.K. Acharjee.	-do-		14.6.81	20.10.86	361
45	Ram Bahadur Vaujal.	R.S.Vaujal	-do-		26.7.83	18.10.85	378
46	Subhash Ch. Das.	Prafulla Kr. Das.	IOW/MBG.	1.1.53	1.1.77	15.5.83	362
47	Bhupen Bhuyan.	-	XEN/CON/SHTT	30.9.62	2.11.84	30.9.85	333
48	Biren Barua	Hemdhar	-do-	20.7.63	2.11.84	30.9.85	333
49	Prabnam Bhuyan.	Ghana Bhuyan	-do-	31.10.66	2.11.84	30.9.85	333
50	Bhogeswar Bora	Khageswar	-do-	9.6.60	5.11.84	30.9.85	330
51	Mitin Sana	Dhirendra	-do-	9.11.62	6.11.84	30.9.85	327
52	Dulal Mahanta	M.K.Mahanta	-do-	31.12.59	14.11.84	30.9.85	322
53	Sishir Kr. Singh	Kobinda	XEN/CON/SHTT.	31.7.64	14.11.84	30.9.85	321
54	Debo Kanta Rajkhowa.	Rabiman Rajkhowa	-do-	30.6.60	10.10.84	31.7.85	295
55	Puspa Kanta Bora.	Puniram	-do-	30.6.60	10.10.84	31.7.85	295
56	Dimbeswar Hazarika.	Rudra Kumar Hazarika.	-do-	1.3.65	10.10.84	31.7.85	295
57	Ranjan Kumar Bhuyan.	Biyaram	-do-	31.5.62	11.10.84	31.7.85	294
58	Ajit Gogoi	Chandra	-do-	1.4.60	12.10.84	31.7.85	295
59	Nintyananda Bayan.	Chandrajit	-do-	31.5.65	19.10.84	31.7.85	266
60	Prafulla Kalita.	Sewram.	XEN/CON/SHTT.	8.1.61	20.10.84	31.7.85	285
61	Swapn Kr. Das.	Ananta Kr. Das.	XEN/C/CD	16.6.59	10.7.81	5.4.82	272
62	Hiren Das (SC)	Phanidhar	XEN/C/SHTT.	26.5.64	4.10.84 1.5.85	31.8.85 31.7.85	272
63	Naren Bora, II.	Sonaram.	-do-	1.4.55	3.11.84	31.7.85	271
64	Pushoa Barthakur.	Padma	-do-	1.2.63	4.11.84	31.7.85	270

1	2	3	4	5	6	7	8
65	Mahendra Bora	Bhadram	-do-	1.1.61	5.11.84	31.7.85	269
66	Pradip Bora	Niron Ch. Bora.	-do-	28.8.63	5.11.84	31.7.85	269
67	Tarun Bora	Priyaram	-do-	1.3.64	5.11.84	31.7.85	269
68	Uttam Das (SC)	Tikhar	-do-	16.11.64	5.11.84	31.7.85	269
69	Bhudneswar Bora	Dimbeswar	-do-	1.4.65	5.11.84	31.7.85	269
70	Naba Krishna Manta	Lilaram	-do-	3.3.57	5.11.84	31.7.85	269
71	Nakul Ch. Das.	Tarun Ch. Das.	-do-	7.3.61	19.1.84	13.10.85	268
72	Miss. Jinu Bora	Dimbeswar	-do-	1.4.65	9.10.84 1.6.84	31.3.85 31.7.85	267
73	Kaliram Bhuyan	Khomen	-do-	9.3.60	14.11.84	31.7.85	260
74	Manik Hazarika	S. Hazarika	-do-	31.7.66	14.11.84	31.7.85	260
75	Bidhan Rajkhowa	Gita Hazarika	-do-	21.3.62	16.11.84	31.7.85	257
76	Manik Saikia	Aghono	-do-	31.12.58	19.10.84 1.5.85	31.3.85 31.7.85	255
77	Sachindra nath Sarma	S.N.Sarma	IOW/FCW/ IMG		28.5.81	20.10.86	255
78	Naljan Rava	Pathuram	XEN/C-J/ MLG.	30.9.61	26.10.84	1.7.86	249
79	Ajit Hazarika	Khargeswar	XEN/SHTT	1.1.60	26.11.84	31.7.85	248
80	Iswarwar Bora	Bhogeswar	-do-	5.6.65	26.11.84	31.7.85	249
81	Pradip Kr. Singh (OBC)	Daijalal	XEN/CON/ GS/MLG.	13.1.59	28.11.84	31.7.85	245
82	Noren Bora. III.	Mahendra	XEN/CON/ SHTT.	4.2.62	2.11.84 1.5.85	31.3.85 31.7.85	242
83	Pradip Saikia	Kamal Kt.	-do-	6.2.63	2.11.84 2.5.85	31.8.85 31.7.85	241
84	Krishna Kr. Singh	Jatindra	XEN/CON/ CJ/MLG.	19.10.61	5.11.84	1.7.85	239
85	Samiran Ch. Roy (SC)	Satish Ch. Roy.	XEN/CON/ CJ/MLG.	13.1.58	5.11.84	30.6.85	236
86	Mani Ram Panika.	Matilal Panika.	IOW/MLG.	16.1.55	16.1.77	24.6.83	231

1	2	3	4	5	6	7	8
87	Monoj Rava (ST)	Metor	XEN/CON/ GJ/MLG.	14.1.60	12.11.84	1.7.85	232
88	Sankar Debnath	B.C.Debnath	-do-	27.12.65	12.11.84	1.7.85	232
89	Ratul Ch. Dey	Sukendar	-do-	3.1.62	30.11.84	17.7.85	230
90	Tarini Das (SC)	Lakhiram	-do-	30.7.61	1.12.84	17.7.85	229
91	Nabesh Rava (ST)	Pratap Rava	-do-	24.3.55	17.11.84	1.7.85	227
92	Md. Faizur Rahman.	Jafar Ali.	-do-	13.12.59	4.12.84	17.7.85	226
93	Dilip Chowdhury	Ratheswar	-do-	4.8.64	1.12.84	1.7.85	213
94	Anil Ch. Das	Upendra	PWI/R/ IMG	26.6.55	27.9.81	26.4.92	212
95	Ratan Kr. Dey	Gunandra	PWI/BXP	16.3.58	27.7.83	26.2.84	209
96	Shantoo Malakar	Upendra Malakar.	PWI/DMR	4.3.56	25.6.77	15.7.81	208
97	Purnadas Panica	Kuarsingh Das Panica	-do-	4.10.57	25.6.77	15.7.81	208
98	Kamala Kt. Saikia	-	XEN/CON/ SHTT.	1.12.62	16.1.85	31.7.85	197
99	Hareswar Das	Ananda Ram	-do-	8.4.62	18.8.85	31.7.85	195
100	Prabin Barkakati	Hem Kt. Barkakati	-do-	24.1.60	5.11.84	13.5.85	190
101	Lakheswar Nath	Bhumidhar	-do-	31.7.62	1.12.85	31.7.85	182
102	Dwijendra Mohan Deka	Nabin Ch. Deka.	XEN/CON/ CD	31.6.59	1.1.83	30.5.83	181
103	Anil Seal	H.C. Seal.	IOW/FCW/ IMG		13.7.86	16.10.90	181
104	Vhimal Upadhya	P. Upadhya	XEN/CON/ SHTT.	1.1.57	9.10.84	31.3.85	174
105	S.S. Purkayastha	S. Purkayastha	XEN/CON/ G-I.	24.12.60	8.1.85	30.6.85	170
106	Paresh Ch. Kumar.	Jatindra Kumar.	-do-	31.4.60	9.1.85	1.7.85	174
107	Lakhinarayan Bora.	Nandi Ram Bora	XEN/CON/ SHTT.	25.11.62	9.10.84	31.3.85	174
108	Biren Ch. Das	Pratap Das	XEN/CON/ CS	1.1.63	9.1.85	30.6.85	173
109	Nilmani Bora	Hangsadhar Bora	XEN/CON/ SHTT	29.9.59	11.10.84	31.3.85	172

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1	2	3	4	5	6	7	8
110	Padma Kt. Sarma.	Sibeswar Sarma.	-do-	1.2.61	11.10.84	31.3.85	172
111	Khargeswar Barman.	Anth Barman	XEN/CON/CP	15.1.59	11.1.85	1.7.85	172
112	Jogesh Ch. Das	Sandi Ram Das.	XEN/CON/GJ.	31.8.60	11.1.85	1.7.85	172
113	Basheb Ch. Thakuria.	Lohit Thakuria.	-do-	13.12.60	11.1.85	30.6.85	172
114	Sarhim Nath Das.	Krishna Das.	-do-	13.12.60	11.1.85	30.6.85	172
115	Jiban Ch. Dey	Dhirendra Ch. Dey.	IOW/MBG.	25.4.51	25.4.69	15.8.83	170
116	Ajit Bhowmick.	Monoram Bhowmick.	PWI/NOG	1.1.69	27.4.81	14.10.81	170
117	Dipak Ch. Das.	Gajen Das.	XEN/CON/SHTT	9.2.61	16.2.85	31.7.85	166
118	Niren Kalita.	Pitambar Kalita.	XEN/CON/SHTT	21.8.63	16.2.85	31.7.85	166
119	Biswanath Chakraborty.	Tapasi Ram Chakraborty	PWI/WOG	6.1.61	16.5.82	15.10.82	152
120	Kamandi Rava (ST)	Nani Rava	XEN/CON/SHTT.	6.3.55	2.2.85	1.7.85	152
121	Jiban Sutradhar.	Lal Mohan	PWI/LFG	6.11.58	19.5.83	16.10.83	151
122	Golap Ch. Nath.	Tularam Nath	XEN/CON/SHTT	30.11.60	15.11.84	14.4.85	151
123	Parimal Biswas (SC)	N.Biswas	-do-	31.4.58	6.11.84	31.3.85	147
124	Laxman Thapa.	R.B.Thapa	IOW/FCW/IMG		26.5.83	20.10.83	147
125	Maya Pasulate	S.C. Pasulate	-do-		27.5.83	20.10.83	147
126	Ram Ranjan Acharjee.	S.R. Acharjee.	-do-		28.5.83	20.10.83	146
127	Chandra Katu Jadav	J. Yadav.	-do-		28.5.83	20.10.83	146
128	Rama Kr. Charasia	B.N. Charasia.	XEN/CON/GJ	3.2.57	13.2.85	1.7.85	140
129	Lakhi Pada Bora	Owram Bora	XEN/CON/SHTT	11.11.61	15.11.84	1.4.85	138
130	Bijoy Krishna Majumder	S.B. Majumdar	IOW/FCW/IMG		23.6.83	8.6.84	136
131	Basanta Kanti Das	N.K. Das	-do-		6.73	20.10.83	136

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1	2	3	4	5	6	7	8
132	Swapan Kr. Das.	Motilal Das	PWI/NOG	1.1.60	.6.81	15.10.81	135
133	Ananta Behari Chetri	H.B. Chetri	IOW/FCW/IMG		9.6.83	20.10.83	134
134	Adhir Das	N.C. Das	-do-		9.6.83	19.10.86	133
135	Surjamani Swain	D. Swain	XEN/CON/GJ		25.2.85	1.7.85	127
136	Abhijit Gupta	S.K. Gupta	IOW/FCW/IMG		16.6.83	20.10.83	127
137	Rabi Malakar	P.K.Malakar	-do-		16.7.86	7.7.89	127
138	Upen Mahanta	Deba Kt. Mahanta.	XEN/CON/SHTT	31.12.60	30.11.84	1.4.85	125
139	Bhabeswar Talukdar	L. Talukdar	IOW/FCW/IMG		20.6.86	17.10.86	120
140	Ashis Chakraborty	G.K. Chakraborty	IOW/T/JTG	1.11.60	24.1.83	15.5.83	112
141	Sukhendra Das	Hare Krishna Das	IOW/MBG	21.2.58	2.8.77	15.8.83	110
142	Dipak Prasad	N. Prasad	IOW/FCW/IMG		3.7.86	20.10.86	110
143	Bimal Basak	S. Basak	-do-		9.7.86	20.10.86	104
144	N.N.Deka	G.C. Deka	-do-		11.7.86	20.10.86	102
145	Pijush Kanti Nag.	S.C.Nag.	-do-		12.7.86	20.10.86	102
146	Subrata Kr. Deb	K.C. Deb.	-do-		12.7.86	20.10.86	101
147	Sambhu Mahato	R.B.Mahato	IOW/FCW/IMG		16.7.86	20.10.86	98
148	Purna Kt. Bora.	Phatic Ch. Bora.	XEN/CON/SHTT		14.1.85	14.4.85	91
149	Gopal Ch. Barua	Puhiram Barua	-do-	31.9.60	14.8.85	14.4.85	91
150	Hara Kanta Saikia	Kaliram Saikia.	-do-	31.1.65	14.1.85	14.4.85	91
151	Bala Krishna Thapa.	Sekh Bahadur Thapa.	PWI/NOG	1.12.55	26.7.81	15.10.81	81
152	Swapan Sarkar	Nani Gopal Sarkar.	-do-	16.6.56	27.7.82	15.10.82	80
153	Jatindra Das	Jamini Mohan Das.	IOW/MBG.		2.9.77	15.5.83	71
154	Sambu Majumdar	Satish	PWI/BXP	16.2.50	7.3.83	16.5.83	71

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1	2	3	4	5	6	7	8
155	Kandra Mura	Matha	-do-	16.1.42	8.3.83	16.5.83	70
156	Nanda Kurmi	Kadhura	-do-	15.10.44	8.3.83	16.5.83	70
157	Monorajna Das	Paynee	PWI/BXP	17.3.48	8.3.83	16.5.83	70
158	Krishna Choudhury.	Kanti	-do-	16.11.48	8.3.83	16.5.83	70
159	Petoo Phukan	Tahiram	-do-	16.2.50	8.3.83	16.5.83	70
160	Ramsbit Roy	Dhanu Roy	XEN/CON/SHTT.	25.5.64	25.5.85	31.7.85	68
161	Sarbananda Rajbangshi	B. Rajbanshi	IOW/FCW/LMG		8.6.83	9.8.83	63
162	Swapan Dey	Girish Dey	IOW/MBG		21.8.82	15.10.82	56
163	Lalit Ch. Barman.	Laloo Ram Barman.	PIW/NOG		29.8.81	15.10.81	47
164	Mis. P. Rahaman	-	-		13.2.85	31.3.85	47
165	Ratneswar Chowdhury.	G. Chowdhury	IOW/FCW/LMG		11.6.83	25.7.83	45
167	Satya Pada Dhar.	Ramani Mohan Dhar.	IOW/MBG	1.10.59	8.7.83	15.8.83	39
168	Mahesh Ch. Das.	T.R.Das.	IOW/FCW/LMG		14.6.83	4.7.83	21

Sd/- Illegible,
25.3.99
for DRM(P)/LMG.

List of Retrenched skilled Casual Labour.

1	Bahadur Patar (ST)	R.K. Patar	XEM/CMI/SHTP.	22.2.83	5.10.85	945
2	Miss. Lina Mahanta	Phatik Mahanta.	-do-	16.6.84	30.9.85	318
3	Kamal Ch. Bora.	P.R. Bora	-do-	14.3.83	10.7.85	793
4	Suren Saikia	T. Saikia	-do-	1.10.83	5.10.85	764
5	Dipankar Goswami	B. Goswami	-do-	8.10.84	30.9.85	356
6	Pitimbar Goswami	B. K. Goswami.	-do-	14.10.83	30.9.85	344

Sd/-Illegible,
25.3.99
for DRM(P)/LMG.

सं/No

१० सो रेलवे/N. F. RAILWAY

कार्यलय/विभाग

Office/Department *Engg-Dy. CE/Army*
N. F. Rly Maligaon

अनियत मजदूर के रूप में सेवा का रेकार्ड

**Service book
for Casual Labour**

पुरा नाम साफ-साफ

Name in full KANTIKUMAR DAS
(In Block letters)

पिता का नाम

2. Father's name Sri Tulshi Charan Das

जन्म तिथि

3. Date of Birth 13-8-1961

प्रारंभ में अनियमित नौकरी पाने के समय आयु

4. Age at initial casual employment
वर्ष/Year 19 ... माह/months 10 ...
दAYS 1

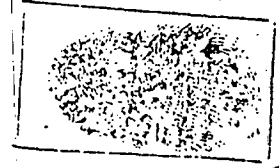
शरीर पर पहचान के चिह्न

5. Personal marks of 1 cut mark 1" long on
identification Right wrist
1 Round black mark
on left arm

प्रारंभिक नियुक्ति के समय इयटो

6. Nature of job on
initial employment Khulsi

बायें अंगुठे का निशान
L. F. I.



Chaitan
19.6.81

प्रथम नियुक्ति प्रथम पर्यवेक्षक का हस्ताक्षर
Signature of the First Appointing Senior Supervisor

Attested
Abus

Advocate

To
The Sr. Divisional Personal Officer,
M. S. Railway, Madurai.

Re: Re-employment of discharged
casual labour.

Sir,

With due respect & humble submission I beg to state that it is understood from reliable source, that C/Divisions are being recruited shortly.

I may be, to mention that I worked as C/Division from 19.9.51 to 31.3.52 under 105/Lower Division, which may kindly be verified from the service book for casual labour issued in my favour.

Sir, it will not be out of place to mention that my father Shrihari Sharan Das, B.A., B.L., B.Com. expired in 1955 leaving 7 members depending only on family pension. 6 of them are starving for want of employment.

In view of the above circumstances I would request you "goodwill" to kindly consider my case favourably and appoint me in any category for which out of your kindness I shall remain ever grateful to you.

Yours faithfully,

K. S. R. R. R.

w/o Sri. Kamakhyam Das Roy.
12. 10. 52 (A) Loco Colony
Madurai.

Madurai.

7/11/53

Attended
A. S. R.

15/11/53
1000
1000
1000

(Typed copy of Page 84)

To

The Sr. Divisional Personal Officer,
N.F.Railway, Lumding.

Sub :- Appointment of discharged Casual Labour.

Sir,

With due respect & humble submission I beg to state that in understood from reliable source that Incharge C/Khalasi are being recruited shortly.

That Sir to mention that I worked as C/Khalasi from 19.8.81 to 31.3.84 under IQW/Lower Haflong which may kindly be verified from the service book for Casual Labour issued in my favour.

Sir, it will not be out of place to mention that my father Tulshi Charan Das, Retd. Gunner expired in 1985 leaving 7 members depending only on Family pension. In one word we are starving for want of employment.

In view of the above circumstances I would request your goodself to kindly consider my case favourably and appoint me in any category for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Sd/-Sri Kanti Kr. Das,
C/o Sri Kamakhya Deb Roy,
W/No 38D/(A) Loco Colony,
P.O. Lumding, Dist-Nagaon, Assam.

Dated, Lumding,
the 16.3.1987.

To
The Sir Divisional Railway Manager (P)
N. F. Railway / Lunding.

Sub :- Employment of discharged Casual Labour.

Sir,

With due respect and humble submission I
beg to state that as under stood from reliable source,
that discharged C/Khalasi are being recruited shortly.

Now, I beg to mention that I worked as C/Khalasi
from 10.6.81 to 31.3.82 under 10W/Lower Haflong which
may kindly be verified from the service book for casual
Labour issued in my favour.

Sir, it will not be out of place to mention
that my father, Talshid Charan Das, Retd. Gunner expired
in 1985 leaving 7 months depending only on family pension.
In one word we are starving for want of employment.

In view of the above circumstances I would
request you goodself to kindly consider my case favour-
ably and appoint me in any category for which not of your
kindness I shall remain evergrateful to you.

Dated, Lunding

10/7/85

Yours faithfully,

Kamal Ku Das

C/O Sri. Kamakhya Deb Roy
W.No. 327 (A) Loco Colony,
P.O. Lunding, D.t. Lingsaon
(A. S. S. M)

Attended
[Signature]

RECEIVED
10/7/85
LUNDING

To

The Divisional Railway Manager(P),
N. F. Railway/Lumding.

Sub:-Employment of discharged CASHUAL LABOUR.

Sir,

With due respect & humble submission I beg to state that it is understood from reliable source, that Discharged C/Khalasi are being recruited shortly.

Now, I beg to mention that I worked as C/Khalasi from 19.06.81 to 31.03.82 under IOW/Lower Haflong which may kindly be verified from the service book for casual Labour issued in my favour.

Sir, it will not be out of place to mention that my father Tulshi Charan Das, Retd, Gunner expired in 1985 having 07 months depending only on family pension. In one word we are starving for want of employment.

In view of the above circumstances I would request you goodself to kindly consider my case favourably and appoint me in any category for which not of your kindness I shall remain evergrateful to you.

Yours faithfully,

Dated, Lumding
The

16/3/1987

(SRI KANTI KUMAR DAS)
C/o: Sri Kamakhya DeBroy
W/No: 38/D(A) Loco colony
P.O: Lumding, Dist: Nagaon (Assam)

Attended
A. M.
15/3/87

RECEIVED
15/3/87
KLP

To
The Divisional Railway Manager (P),
Railway/Landing.

Re-employment of discharged CASUAL LABOUR.

Sir,
With due respect & humble submission I beg to state that it is under stress from reliable source, that Discharged C/Khalasi are being recruited shortly.

Now, I beg to mention that I worked as C/Khalasi from 15.06.81 to 31.03.82 under 4th/10th Station which may kindly be verified from the service book for casual Labour attached in my favour.

It will not be out of place to mention that my father Late Sharan Das, Betc. Gunner expired in 1985 having 67 months dependence only on family pension. In one word we are standing for want of employment.

In view of the above circumstances I would request you to kindly consider my case favourably and appoint me in any category for which not of your kindness I shall remain ever grateful to you.

Yours faithfully,

(SRI. KAJALI KUMAR DAS)
C/O Sri Kamakhya Teoroy
A/130/D(A) Hoco colony
P.O. Landing, Dist. Hajoan (Assam)

10/11/82

Type cap of this page attached

Advocate

Attested
[Signature]

This Divisional Railway Manager (P),
Railway/Landing.

(Type copy of Page 87)

To

The Divisional Railway Manager (P),
N.F. Railway/Lumding.

Sub :- Employment of discharged Casual Labour.

Sir,

With due respect & humble submission I beg to state that it is understood from reliable source that Discharged C/Khalasi are being recruited shortly.

Now, I beg to mention that I worked as C/Khalasi from 19.6.81 to 31.3.82 under IOW/Lower Haflong which may kindly be verified from the service book for casual Labour issued in my favour.

Sir, it will not be out of place to mention that my father Tulsi Charan Das, Retd. Gunner expired in 1985 having 7 members depending only on family pension. In one word and we are starving for want of employment.

In view of the above circumstances I would request your kindness to kindly consider my case favourably and appoint me in any category for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Dated, Lumding
the 10.11.89

(Sri Kanti Kumar Das)
C/o Sri Kamakhya Debroy,
W/No. 38D/(A) Loco colony,
P.O. Lumding, Dist-Nagaon(Assam)

To
The DRM (P)/Lumding.

Sir, *(Strongly request)*

Sub :- Employment of Discharged Casual Labour.

With due respect and humble submission I beg to state that it is understood from reliable source that Discharged C/Khulasi are being recruited shortly.

Now I beg to mention that I worked as C/Khulasi from 19-6-81 to 31-3-82 under IOU/Lower Harlong which may kindly be verified from the service book for casual labour issued in my favour.

Sir, it will not be out of place to mention that my father Tulshi Charan Das rotundas Gunner LMG/Inf. Rly. & expired in 1985 leaving 8 members depending only on family pension. In one word we are starving for want of employment. *From this I am in a very difficult situation as you know/are kind and help me.*

In view of the above circumstances I would request your goodness to kindly consider my case favourably & appoint me in any category, for which act of your kindness I shall remain ever grateful to you.

C.L. Card issued to me will be produced as requested for.
DA :- 2 (one discharge certificate and one service certificate)

Dated, Lumding.
The 12.9.91/1991.

Yours faithfully,
Kamal K. Das
C/O Sri Kamakhya Das R.
Qrs. No. 30 L/(K)
Loco Colony, Lumding.

This is to certify that the name of S/O Lt. Tulshi Charan Das was against line of duty work (L.O.D) between 19.6.81 till 31.3.82 and discharged on 31.3.82 (F.W) due to reduction of strength. He is very sincere and hard working.

Added
Ex IOU/LCW/HCS
and under IOU/HCS.

Attended
11/9/91

11/9/91
11/9/91

50

To
The Sr. Divisional Personal Officer,
N. Railway, Lumding.

Sir,

Sub: - Prayer for appointment as
Casual Labour.

I beg to lay before you the following few lines for your sympathetic consideration and necessary action please.

That Sir, I worked as Casual Labour from 19-6-81 to 31-3-82 under low/lowa category copy of the discharged certificate enclosed herewith.

Thereafter I submitted several applications to you for my appointment in any category in Group 'D' but no action has been taken upto now for my appointment. The then PO/LMG assured me I would be called for proper screening, but I had not been called until now.

Therefore, you will kindly look into the matter sympathetically and kindly arrange to appoint me in any category in Class-IV group so that myself and my family members may live peacefully and thereby oblige.

Yours faithfully,
Date: 1-10-78

Name: (SRI KANTI DAS)

Address: Lali-Taluk Chakran

c/o SRI KAMAKHYA DEBROY.

GRS. No. 38 L (A)

Loco colony, Lumding.
Nagpur (Assam)

Copy to DPO/LMG, Sr. DPO/LMG - for kind information and necessary action please.

Name: SRI KANTI DAS

Address: c/o SRI KAMAKHYA DEBROY.

GRS. No. 38 L (A)

Loco colony, Lumding

Type copy attached

Advocate

Handwritten signature and initials

11/11/78

110

(Typed copy of Page 89)

To

The Sr. Divisional Personal Officer,
N.F. Railway, Luming.

Sir,

Sub :- Prayer for appointment as Ex-Casual Labour.

I beg to lay before you the following few lines for your sympathetic consideration and necessary action please.

That Sir, I worked as Casual Labour from 19.6.81 to 31.3.82 under IDW/Lower Haflong. Copy of the discharged certificate enclosed herewith.

Thereafter I submitted several applications to you for my appointment in any category in Group 'D' but no *action has been* taken upto now for my appointment. The then WFO/LMG assured me I would be called for proper screening, but I had not been called until now.

Therefore, you will kindly look into the matter sympathetically and kindly arrange to appoint me in any category in Class-IV group so that myself and my family members may live peacefully and thereby oblige.

Date : One.

Date : 1.10.98

Yours faithfully,
Sd/-Sri Kanti Das
(Sri Kanti Das) -
Address : C/o Sri Kamakhya Debroy,
Qr. No. 38(LA),
Loco Colony, Dist-Nagaon,
Assam.

Copy. to DEM/LMG, Sr. DEE/LMG for kind information and necessary action please.

Sd/- Kanti Das,
Address : C/o Sri Kamakhya Debroy,
Qr. No. 38L(A), Loco Colony, Luming.

To
The Sr. Divisional Personnel Officer,
N. Railway Building.

Sir,

Subj: - Prayer for appointment as
Ex-Casual Labour.

I beg to lay before you the following few lines for
your sympathetic consideration and necessary action please.

That Sir, I worked as Casual Labour from 19-6-81 to 31-3-82
under low/lower category of the demerged certificate enclosed
herewith.

Hereafter I submitted several applications to you for
my appointment in any category in Group 'D' but no action had
been taken upto now for my appointment. The then DPO/LMG never
used as I would be called for proper screening, but I had not
been called upto now.

Therefore, you will kindly look into the matter sympathetically
and kindly arrange to appoint me in any category in
Class 'D' group as that myself and my family members now live
peacefully and thereby online.

Yours faithfully,

05-3-79

Yours faithfully,
Kanti Das

Name: (SRI Kanti Das)

Address: Lohi - Talab Chakar Dargah C/O SRI Kamakhya Debbar

QRS. No. 38 L (A)

Loco colony, Lumding
Jorhat - Nagaon (Assam)

Copy to DPO/LMG, Sr. DPO/LMG - for necessary action please.

Kanti Das

Name: SRI Kanti Das

Address: C/O SRI Kamakhya Debbar

QRS. No. 38 L (A)

Loco colony, Lumding

Type copy
attached
Kis -
Advocate

Handwritten signature and initials

15-5-80
Date

11/2

(Typed copy of Page 90)

To

The Divisional Personal Officer,
N.F.Railway, Lunding.

Sir,

Sub :- Prayer for appointment as Ex-Casual Labour.

I beg to lay before you the following few lines for your sympathetic consideration and necessary action please.

That Sir, I worked as Casual Labour from 19.6.81 to 31.3.82 under IDW/Lower Haflong . Copy of the discharged certificate enclosed herewith.

Thereafter I submitted several applications to you for my appointment in any category in Group 'D' but no action has been taken upto now for my appointment. The then WPO/LMG assured me I would be called for proper screening, but I had not been called upto now.

Therefore, you will kindly look into the matter sympathetically and kindly arrange to appoint me in any category in Class-IV group on that myself and my family members may live peacefully and thereby oblige.

Yours faithfully,

Date : 05.3.99

Sd/- Kanti Das.

Name : (Sri Kanti Das)
Address : C/o Sri Kamakhya Debroy,
Qrs. No. 38L(A), Loco colony,
Lunding, Dist-Nagaon, (Assam)

Copy to DHM/LMG, Sr. DAU/LMG - for kind information and necessary action please.

Kanti Das,
Name : Sri Kanti Das,
Address : C/o Sri Kamakhya Das,
Qrs. No. 38L(A), Loco colony,
Lunding.

The Divisional Railway Manager,
N.F. Railway, Lunding.

(911)

Sir,

Subj:- Prayer for appointment as Ex-Casual Labour.

I beg to inform you that I was working as Casual Labour under ICW/FCW/Lower Hurlong from 19.06.81 to 31.02.1982 = 286 days without any break and I got time scale. The staff who worked with me have been regularised by screening and they have been working in Engineering department since long as permanent staff. I applied several times to NRM(P)/LMG to consider my prayer and to absorb me as regular employee. But, I have not been favoured for appointment though I requested the then D.P.O. But no response has been given to me by the Hdy. Administration.

Details of the staff who worked with me - now have been regularised is furnished below.

1. Sri Bhunosh, ^{S. P. Dhanush} now working under Sr.DRM/LMG (in Engineering Department) as a regular employee.
2. Sri Ratan Lal Bhattacharjee, now working under ICW/Noth/LMG as a regular employee.
3. Sri Ram Ch.Das, now working in Engineering Deptt. under Sr.DRM/LMG as a regular employee.
4. Sri Swapan Kr.Dey, now working under Sr.DRM/LMG.

That Sir, I applied several times as mentioned below for appointment but I have not been called for.

I submitted my application dt.02.04.83, 10.07.85, 16.03.87, 10.11.89, 12.09.91 and 05.03.99, photo copies are enclosed herewith. Last year I met APO/PC/Lunding with all my applications who advised to submit another application & I will be called for service. Accordingly, I submitted my application on 05.03.99 by Postal Dak with Registration but I had not been called for service while other Casual Labourers appeared for selection held on 03.11.99, 04.11.99 and 05.11.99 and they are being absorbed in Regular cadre.

That Sir, I am un-employed boy - there is no earning member in my family. My father expired. My family consists of 5(five) members along with my widow mother and we are passing many days without food.

May I, therefore, pray and hope that you will kindly look into the matter personally & absorb me in any category (as Ex-Casual Labour) in the Hdy., so that myself and my family members may live hand to mouth and thereby oblige.

- DA/-1) Photo copy of Discharge certificate.
2) Photo copy of previous applications.

Yours faithfully,

Kanti Kumar Das

(Kanti Kumar Das)

Ex-Casual Labour
C/O Sri Kamakhya Debroy,
Hdy. Qrn. No. O-L/381A,
Loco Colony, Lunding.
P.O. Lunding-782442,
Dist. Nagaon (Assam).

11. 2. 2000.

11-02-2000

Received
11-02-2000
Sd/-
Sd/-
Sd/-

(92)

DOCUMENT - 2 series 11

सं./No.....

दू० सी रेलवे/N. F. RAILWAY

कार्यालय विभाग

Office / Department S.T.

अनिश्चित मजदूर के रूप में सेवा का रेकार्ड

Service book for Casual Labour

पूरा नाम साफ-साफ

1. Name in full Sajal Kanti Dey

(In Block letters)

पिता का नाम

2. Father's Name Jatindra Mohan Dey

जन्म-तिथि

3. Date of Birth 1-2-1960

प्रारम्भ में अनिश्चित नौकरी पाने के समय आयु

4. Age at initial casual employment

वर्ष / Year माह/month

शरीर पर पहचान के चिन्ह

5. Personal marks of

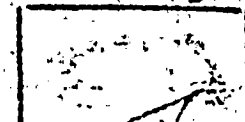
identification one cut mark on head = 1" one cut mark left hand finger

प्रारम्भिक नियुक्ति के समय हुए

6. Nature of job on initial

employment casual labour

शरीर बगुने का निगम
L. T. L.



TELE. Com Inspection

अथवा नियुक्ति प्रवर में बंधनकारी है (नो. 11/1)

Signature of the First Appointing Senior Supervisor

attested
by
Advocate

अनियत मजदूर के रूप में सेवा का रेकार्ड

Record of Service as Casual Labour.

क्रम सं. Sl. No.	नौकरी की तिथि Period of Employment		इयूटी की किस्म
	से/From	तक/To	
1	2	3	4
	6/78	4/78	As a Casual
	8/78	6/78	As a Casual
	1/79	3/79	As a Casual

Nature of assignment	संबन्धित अधिकारी का हस्ताक्षर और पदनाम Signature & Designation of the Supervisor with date
labour 3 days	TELE. Com. Inspector N. P. Mr. New Gahat
labour 3 days	TELE. Com. Inspector N. P. Mr. New Gahat
labour 200 w	TELE. Com. Inspector N. P. Mr. New Gahat

94
From :- Jatindra Mohan Dey
(Record Sorter)
DRM(P)'s office,
N. F. Rly, Lumding.

To
The Divl. Railway Manager
N. F. Railway, Lumding.

Sir,

Sub :- Prayer for appointment of my son
Sri Sajal Kanti Dey.

With due respect and humble submission I beg to lay before you the following grievances for your kind consideration and sympathetic orders please.

That Sir, I am a poor employee working under Sr. DFO/LMG in the capacity of a Record Sorter. Now I am going to retire from service w. e. f. 1-12-79 after giving 33 yrs. of service to the administration very faithfully and sincerely. But now the question arises how I shall maintain my family consisting 8 members after my retirement. I cannot find out any way that can help me to maintain my family after my retirement. So getting no other alternative, I am compelled to remember your kindness to help me in the hard-days of life. That Sir, I have son who is a student of class X. If your honour is so kind enough to provide my son with a job in class IV category I shall be able to save my family with his help.

So considering the above I pray and hope that you will kindly help me by providing a job to my son Sri Sajal Kanti Dey for which act of kindness I shall be obliged.

Dated, Lumding 1
21st July, 1979 1

Yours faithfully,
Jatindra Mohan Dey.
(Jatindra Mohan Dey)
Record Sorter
ET Section
under DRM(P)/Lumding.

112

To
The Sr. Divisional Personal Officer,
N.W. Railway, Lumding.

Sir,

Sub :- Prayer for appointment as
Ex-Casual Labour.

I beg to lay before you the following few lines for
your sympathetic consideration and necessary action please.

That Sir, I worked as Casual Labour from ^{5.6.78 to 4.7.78} ~~7.8.78 to 6.9.78~~
under S & T ^{4.1.79 to 3.2.79} copy of the discharged certificate enclosed
herewith.

Thereafter I submitted several applications to you for
my appointment in any category in Group 'D' but no action has
been taken upto now for my appointment. The then DPO/LMG assured
me I would be called for proper screening, but I had not been
called upto now.

Therefore, you will kindly look into the matter sympathetically
and kindly arrange to appoint me in any category in
Class-IV group so that myself and my family members may live
peacefully and thereby oblige.

DA :::::

Yours faithfully,

Date ::::: 25-2.99

Name ::: Sujal Kant Dey.
Address ::: Shanti Parah (Naba Pally)
P.O. Lumding,
Dist. Nagaong

Copy to : DPO/LMG, Sr. DEN/LMG for kind information and
necessary action please.

Name ::: Sujal Kant Dey.
Address ::: Shanti Parah
(Naba Pally)
P.O. Lumding,
Nagaong,
(Assam)

To
The Divisional Railway Manager (P),
N. F. Railway,
LUNDING DIVISION,
Dist. Nagaon, (Assam).

Sub :- Prayer for reengagement of Casual Labour.

Ref :- My application dated. 25/03/1999 submitted before
you which received on 26/03/1999 again documents
enclosed for result.

Honourable Sir,

I wish to draw your kind and sharp attention
towards my prayer which enumerated as follows :-

That Sir, enclosed please find herewith (Xerox)
of my application dated 25/03/1999 being submitted through Regd.
with A/D & duly received by your good office on 26/03/1999 (Xerox
of the postal documents also enclosed .

Further (xerox) of Record of Service as Casual
Labour, qualification certificate and sports certificates along
with National Cadet Corps also enclosed herewith for your kind
Pursual.

Now I hope and trust that your high honour will
kindly look into the matter for necessary action as prayed for.

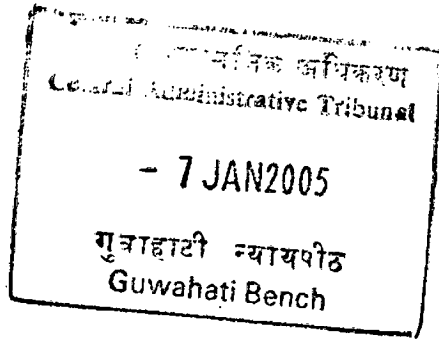
Dated, Lunding.

The.....12th day of June 2000

Encl :- 8 (Eight documents in xerox as
above.)

Yours faithfully,
Sajal Kanti Dey

Sri Sajal Kanti Dey,
S/O. L. Jitendra Mohan Dey,
Santipara (Nabapally)
Behind National High School
P.O. & P.S. Lunding,
Dist. Nagaon (Assam).



[Handwritten signature]

म. का. अधिकारी/आई. सी.
ड. स. रेलवे, कामडि 119
District Personnel Office/Secy
N.F. Sdly., Lending

Filed by
the Respondents through
Siddhartha Samra
S.C. (Rm)
3/1/05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO 227/04

Sri. K.K. Das & others

-vs-

Union Of India & ors.

IN THE MATTER OF:

Written Statement filed by the
respondents.

1. That a copy of the O.A has been served on the respondents and the respondents have gone through the copy of the O.A filed by the applicants and have understood the contents thereof.

2. That 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 borne on records are also denied and the applicant is put to the strictest proof thereof.

3. That before dealing with the various contentions made in the O.A the deponent begs to place the brief history of the case as follows;

Wij
अधिकारी/आई. सी.
लवे, लामडि
D. J. Personnel Officer/IG
N. F. Railway, Ludhiana
120

BRIEF HISTORY OF THE CASE:

The Case No.OA/227/04 has been filed by Shri K.K.Das and others-VS- UOI and others before the Hon'ble Tribunal. Most of the applicants in this OA earlier filed a case No.140/2002 before the said Tribunal. The subject matter of the case and the relief sought by the applicants in the both the OA are same.

The Hon'ble Tribunal disposed of the earlier case No.OA/140/02 on 21.5.03, with a direction to the applicants to submit individual representations before the General Manager (P)/N.F.Railway/Maligaon within a period of one month from the receipt of the order and the Rly.Authority to consider their case as per law and to pass appropriate order preferably within a period of six months from the receipt of the individual representation. In compliance with the Hon'ble Tribunal's above order the individual representations were disposed of by GM(P)/Maligaon with a speaking order which was communicated to the applicants vide DRM(P)/LMG's letter No.E/57/6/Pt.I (ES-CL) dated 25.2.04 (Photo copy of one such letter is enclosed herewith). It may further be pointed out that the applicants No.2, 22 & 23 in the present OA were not the applicants in earlier OA NO.140/02.

4. That the answering respondents beg to state that since the issue as well as the controversy relates to the present OA as well as the OA No 140/02 are same, it is prayed that the records of the O.A No 140/02 may be called for and the answering respondents for the sake of brevity

WJ 121

अधिकारी/आई. टी.
श्री. रामकि
Personnel Officer/PO

begs to relay and refer upon those statements at the time of hearing of the case.

A copy of the said written statement is annexed herewith and marked as ANNEXURE-1.

5. That the answering respondents beg to rely and refer upon relevant facts as well as case laws at the time of hearing of the case.

6. That the answering respondents beg to state that the other statements made in the OA are categorically denied and if required they may be allowed to file detailed para-wise reply.

7. That the answering respondents beg to raise the preliminary objection regarding maintainability of the OA. The OA is hopelessly barred by limitation and there is no cause of action as such to agitate the matter. As per the direction of the Hon'ble Tribunal the answering respondents verified each and every case and verified the relevant records and connected files and after such verification the concerned authority rejected their cases. It is pertinent to mention here that at the relevant point of time (i.e, on or before 31.3.87) casual workers submitted their service particulars but the present applicants did not do so. Basing on the said particulars about 200 casual workers have been regularised. Apart from that the aforesaid chance of submission of records was an one time relaxation giving wide publication, where as the applicants failed to avail the same. The applicants immediately even thereafter never

W.S. 122

agitated the matter in time. It was only in the year 2002 the applicants wanted to raise the issue by way of filing OA no 140/02 and the Hon'ble Tribunal rightly remanded that matter for reconsideration if there is any scope of such consideration. After evaluation of the records available, and/or supplied by the some of the applicants, the concerned authority has rejected their case.

The answering respondents beg to state that in view of the aforesaid facts and circumstances prays before the Hon'ble Tribunal that the O.A may be dismissed with cost.

म. ना. अधिकारी, आई. सी.
पू. सी. रेलवे, बामंडि
Divisional Personnel Officer/10
N. P. Rly., Luning

VERIFICATION

I Shri KHWAIRAKPAM PRATAP SINGH aged about 33 years, son of KHWAIRAKPAM DINAMANU SINGH, resident of Lumding presently working as Divisional personnel officer (I/C), Lumding N.F. Railway, do hereby verify and state that the statement made in paragraphs 1, 2, 5, 6 are true to my knowledge and those made in paragraphs 3, 4, 7 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 and competent to sign this verification on behalf of all the Respondents.

And I sign this verification on this 30th day of Jan Dec, 2004.


Deponent

म. का. अधिकारी/आई. सी.
पू. सी. रेलवे, जामडि
Divisional Personnel Officer/IC
N. F. Rly., Lumding

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No....140..of 2002

BETWEEN

Shri K.K.Das

..... Petitioner.

-VS-

Union of India & Ors.

..... Respondent.

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

1. That the respondents have received the copy of the OA filed by the applicants and have gone through the same. Save and except the statement which are not specially admitted herein below, rests may be treated as total denial. The statements which are not borne out of records are denial, and the applicant is put to the strictest proof thereof.

2. That the answering respondents instead of replying to each paragraph of the OA beg to file a consolidated reply firstly on factual aspect and secondly on the point of law which are as follows.

2(a). That the Railway Board vide letter No.E(NB)II-78/CL/2 dated 4.3.87 issued an instruction to provide an opportunity to the project casual Labour and open line casual worker discharged (before 1.1.81) for want of work or due to completion of work and not reengaged there after. The aforesaid opportunity was an one time measure and to that effect applications from such casual workers were invited within a stipulated time frame i.e. within

Attested
was
Advocate

31.3.87

125
Divisonal Personnel Officer
N.F. Railway, Lunding

31.3.87 for considering inclusion of there names in the live Casual Labour register so that proper screening could be done for their regularisation.

Accordingly various notices were issued by the concerned authority and in response to such notifications good number of applications were received within the aforesaid target dated i.e. 31.3.87. Those applications were scrutinised by a three member verification committee and the names of 194 Casual Workers were included in the live Register rejecting the fake and ineligible applications. The present applicants never submitted such applications within the target date i.e. 31.3.87 and therefore, their cases were not considered by the said verification committee into the live register. From the enclosures submitted by the applicants reveal the fact that only in the year 2000 they submitted representations for such consideration since the Railway Board have not given any relaxation in respect of the aforesaid target date, the question of considering the cases of the applicants does not arise. Under this factual aspect of the matter the OA deserves to be dismissed with cost.

N-1987

Copies of the order dated 13.3.87 enclosing the Railway Board's letter dated 4.3.87, 22.3.87 notice dated 13.3.87 are enclosed as Annexure-R1, R2, R3 & R4 respectively.

2(b). That as stated above the Railway Board issued the notification dated 4.3.87 and pursuant to that 194 names have been registered but the present applicants never made any such

2
Attested
as
Advocate

Om3
Divisional Personnel Officer
N.F. Railway, Lunding

application within the stipulated timeframe and as such after a long lapse of time about 15 to 16 years now they are stopped from making any such claim as has been made in this application.

Taking into consideration the relief sought for by the applicants and the statements made, under the head facts of the case there is no indication regarding explanation of delay in approaching this Hon'ble Tribunal and thus the application deserves to be dismissed as barred by limitation.

This application is also liable to be dismissed for non joinder of necessary parties and for suppression of material facts before this Hon'ble Tribunal.

*Attested
K. Das
Advocate*

VERIFICATION

I, Sri Sourindra Narayan Roy SON
of Lt. Suresh Chandra Roy . resident of Lumding
at present working as Divisional personnel officer N.F. Ry. Lumding . hereby
solemnly affirm and verify that the statements made in para-
graphs are true to my
knowledge and those made in paragraphs are
true to my information derived from records and the rests are
my humble submission before the Hon'ble Tribunal.

And I sign on this the Verification on this the ... day
of December of 2002.

Sourindra Narayan Roy

Deponent.

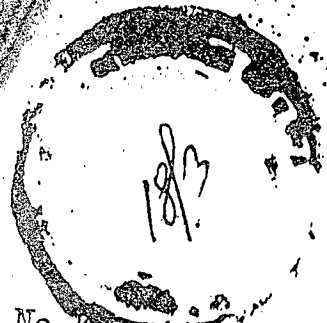
Divisional Personnel Officer
N.F. Railway, Lumding

Attested
was
Advocate

APM/LMC DA/51 128 138

N. F. RAILWAY.

ANNEXURE - R-1



No. E(NG)/Pt. XI (C).

Office of the
General Manager (Personnel)
Maligaon, Guwahati-11.

Dated 13.3.1987.

To
All DRMs,
Dy. CE/Br. Line/PNO,
XEN/PNO, DSTE/MW/PNO,

Sub:- Casual labour- maintenance of Live Casual
Labour Register.

A copy of Rly. Board's letter No. E(NG)LI-78/CL/2 dated 4.3.87 is attached herewith for your guidance. The following action may please be taken immediately. Copies of Notices as attached may be arranged to be exhibited in all the subordinate offices where the casual labourers are dealt with. Suitable publicity may be given to the same by exhibiting the Notice in the sub-divisional offices as well as in the Divisional office, Important Rly. Stations etc., as considered necessary.

The applications received should be compiled at the end of the specified period and statements prepared separately for Open Line Casual labour & Project Casual labour indicating the nature, service particulars showing the period and place of working and whether the application is complete in all respects. A copy of the statement should be sent to this office for further instructions. The statements should reach this office positively within the second week of April/87.

Encl:- As above.

[Signature]
for GENERAL MANAGER (P).

Copy to CE, CSTE, CEE with 20 copies of Notice.
Encl:- As above.

[Signature]
for GENERAL MANAGER (P).

Attended
was
Advocate

Annexure - R 1

Copy of Hvy Board's letter No.E(NG)II-78/CL/2 dated 4.5.1987
General Managers, All Indian Railways & others.

Casual labour- maintenance of Live Casual Labour Register.

...

Attention of the Railway Administrations is invited to instructions contained in this Ministry's letter of even number dated 25.4.1986.

2. So far as project Casual labour are concerned, instructions were issued in the Ministry's letter No.E(NG)II-84/CL/41 dated 11.9.1986, regarding grant of temporary status and preparation of revised seniority list. In the Ministry's letter of the same number dated 2.3.1987, instructions have now been issued to provide an opportunity to project casual labour discharged before 1.1.1981 for want of work or due to completion of work and not re-engaged thereafter, to claim the benefit of the scheme contained in this Ministry's letter of 11.9.1986 cited above.

3. Ministry of Railways desire that opportunity may be given to open line casual labour also who were discharged before 1.1.1981 for want of work or completion of work, for considering inclusion of their names in the Live Casual Labour Register. For this purpose the instructions contained in this Ministry's letter No.E(NG)II-84/CL/41 dated 2.3.87 will apply mutatis mutandis. The last date for receipt of applications complete in all respects in the manner indicated in the said letter of 2.3.1987, will be 31. March, 1987. Representations alongwith documentary proof and details as mentioned in the said letter of 2.3.1987, reaching the concerned Divisional Office after 31.3.1987 or those which are incomplete and also those not made with reference to these instructions, will not be considered. The cases of such open line casual labour will, however, be considered only in the seniority unit of the Establishment in which they were initially engaged.

4. Suitable publicity to these instructions may be given by the Railway Administrations.

Sd/- (M. KUJUR)
DEPUTY DIRECTOR ESTABLISHMENT (N)
RAILWAY BOARD.

Attested
was
Advocate

Annexure - R2

N. F. Railway

DRM(P)'s Office
Lunding

Dt. 22-3-87

E/57/II(C) LME/CL.CELL

- All Divisional Officers,
- All Asstt. Officers of LMG Division
- All Way & Works Subordinates of Engg. Deptt.
- All Subordinates of S&T Deptt,
- All Subordinates of Elect. & Medical Deptts.
- All SS/SM under LMG Division.
- and others.

Sub :- Casual Labour- Maintenance of live casual register both for openline and project.

In terms of Railway Board's letter No. E(NG)II-78/CL/2 dated 4-3-87 endorsed under GM(P)/MLG's No. E/57/O Pt. IX(C) and E/57/II(C) dt. 13-3-87 applications from both openline and project discharged casual labour are invited as per enclosed proforma separately for project and openline casual labour for maintenance of live openline and project casual labour register who were discharged prior to 1-1-81 for want of further productive works etc.

You are therefore requested to circulate the instructions given in the enclosed form and also exhibit the same in the notice board for wide publicity. The last date of receipt of applications is 31-3-87.

This should be treated as MOST URGENT

Encl :- 2 forms each in duplicate for openline & project separately.

Man

for Divisional Rly. Manager (P)
N.F. Rly. : Lunding

Copy to Secy., NFREU and NFRMU/ of all Branches of this Div. for information and necessary action please.

Man

for Divisional Rly. Manager (P)
N.F. Rly. : Lunding

*Attended
Advocate*

- 8 -13- 256 131
N.F. RAILWAY. *Ammanur R3*

E/57/11(C)

Dated 13-3-1987.

NOTICE TO PROJECT CASUAL LABOURERS.

The Casual Labourers who had worked in N.F. Railway as Project Casual Labourers before 1-1-81 and were discharged for want of further work or due to completion of work, are hereby given an opportunity to apply, if they so wish, to be considered for inclusion in the seniority list of Project Casual labour in pursuance to directions given by the Hon'ble Supreme Court in the case of Inder Pal Yadav & Others Vs. Union of India & Others.

1. They should submit their written representation with adequate documentary proof in this regard so as to reach the concerned Railway Divisional Manager's Office on or before 31-3-87.
2. The application should be sent by Registered Post to the Divisional Railway Manager of the Division in the Territorial Jurisdiction of which the person was initially engaged as Project Casual Labourer. A Copy thereof should also be sent to the Divisional Railway Manager of the Division in the Territorial Jurisdiction of the office from which the person was last discharged. A copy should also be marked to the PWI/IOW etc. , under whom they worked.
3. The applications reaching after 31-3-87 or those which are incomplete will not be considered.
4. The application should contain the following particulars and documents mentioned below :-
 1. Name :-
 2. Father's name :-
 3. Date of birth :-
 4. Permanent Address :-
 5. Present address :-
 6. Educational Qualifications :-
 7. Personal marks of identification :-
 8. Office, department & place in which initially engaged & Date :-
 9. Office, department & place from which finally discharged :-
 10. Date of discharge and reasons for the same :-
 11. Whether employed at present, and if so, details :-
 12. Two attested copy of Casual labour Card or any other proof of his casual labour service, should accompany the application :-
 13. An attested copy of Phytograph and attested LTR should also accompany the application :-
 14. Any other relevant information :-

Sd/-
for GENERAL MANAGER (P),
N.F. Railway.

*Attested
was
Advocate*

No. E/57/0/Pt. XI (C).

Dated 13.3.1987.

NOTICE TO OPEN LINE CASUAL LABOURERS.

The casual labourers who had worked in N.F. Railway as Open line casual Labourers before 1.1.81 and were discharged for want of further work or due to completion of work, are hereby given an opportunity to apply, if they so wish, to be considered for inclusion of their names in the Live casual Labour Register.

1. They should submit their written representation with adequate documentary ~~proof~~ proof in this regard so as to reach the concerned Railway Divisional Manager's office on or before 31.3.87.

2. The application should be sent by Registered post to the Divisional Railway Manager of the Division in the territorial jurisdiction of which the person was initially engaged as open line casual labourer. A copy thereof should also be sent to the Divisional Railway Manager of the division in the territorial jurisdiction of the office from which the person was last discharged. A copy should also be marked to the PWI/IOW etc., under ~~which~~ whom they worked.

3. The applications reaching after 31.3.87 or those which are incomplete will not be considered.

4. The application should contain the following particulars and documents mentioned below :-

1. Name -
2. Father's name -
3. Date of birth -
4. Permanent address -
5. Present address -
6. Educational qualifications -
7. Personal marks of identification -
8. Office, department & place in which initially engaged and date.
9. Office, department & place from which finally discharged.
10. Date of discharge and reasons for the same -
11. Whether employed at present, and if so, details -
12. Two attested copies of casual Labour card or any other proof of his casual labour service, should accompany the application.
13. An attested copy of photograph and attested LTI should also accompany the application.
14. Any other relevant information -

Sd/
for GENERAL MANAGER (P),
N.F.Rly., Maligaon.

dn/23387.

Attested
Adas
Advocate