

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 234/2006

R.A/C.P No.

E.P/M.A No. 25/07

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SECTION OFFICER (Judl.)

K. K. K.
26/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 234 / 06
 2. Misc Petition No. _____
 3. Contempt Petition No. _____
 4. Review Application No. _____

Applicant(s) K. K. Das Jom

Respondant(s) U. O. S Jom

Advocate for the applicant(s) ... R. C. Paul

Mr. S. Roy, S. Tamuli

Advocate for the Respondant(s) .. Railways Counsel Dr. M. C. Sarma

Notes of the Registry	Date	Order of the Tribunal
<p>266 325952 8.8.06. <i>[Signature]</i></p> <p><i>Steps not taken</i> <i>[Signature]</i></p>	<p>13.9.06.</p>	<p>This is the second round of litigation. The applicant filed the O.A. No.227 of 2004 and this Tribunal disposed of the same by an order dated 12.5.2004, which is reproduced as follows:-</p> <p>"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 respondent. 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</p>

13.9.06

2

25 Ex-Casual Labourers 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 alongwith the copies of the order of the Tribunal dated 2.8.2000 and order dated 3.2.2005 issued by the Railway before the competent respondents within a period of six weeks from to-day. If such individual representations are filed with necessary details and 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 32.2.2005 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 representation to be filed by the applicants as directed herein above.

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

As per the above order the Tribunal has directed the applicant to file fresh representation and the respondents were directed to consider the same. In the impugned order dated (Annexure -XV), the Respondents have rejected the claim of the applicant mainly on the ground that the applicants

13.9.06.

are not similarly situated persons to that of the applicants in O.A. No. 160 of 1990 and secondly, the applicants failed to satisfy the main necessary condition of applying within the target date and as such they were not eligible for screening.

I have heard Mr. R. C. Paul learned counsel for the applicant and Dr. J. L. Sarkar learned counsel for the respondents.

Application is admitted. Issue notice on the respondents. Post the matter on 1.11.06. Liberty is given to the respondents to file written statement by that time.

Vice-Chairman

1.11.2006

Dr. M. C. Sharma, learned Railway counsel is granted four weeks time to file reply statement. post on 18.12.06

Vice-Chairman

bb

16.1.2007

Further four weeks time is granted to the Respondents to file reply statement.

Post on 20.02.2007.

Vice-Chairman

Notice & order sent to D/Section for issuing to resp. nos. 1 to 3 by regd. A/D post.

D/No-1003 to 1005 dt. 27/9/06.

Notice duly served on resp. no-2.

16/10/06

31-10-06

No W/Ls have been filed.

no

6.11.06

No W/Ls have been filed.

15.1.07.

No W/Ls have been filed.

1.3.07.

2.3.07. Further three weeks time is granted the counsel for the respondents to file written statement. post the matter on 3.4.07.

ce
Member

Vice-Chairman

lm

8.3.2007

Post on 3.4.2007.

7.3.07
W/S Submitted
by the Respondents.
page containing 1 to 6.

Vice-Chairman

/bb/

Dis 3.4.07.

Counsel for the applicant prays for further time to file rejoinder. Post the matter on 7.5.07.

No rejoinder has
been filed.

lm

7.5.07.

Vice-Chairman

Counsel for the applicant wanted time to file rejoinder. Let it be done. post the matter on 8.6.07. In

Dis
4.5.07.

lm

Vice-Chairman

No rejoinder has
been filed.

8.6.07.

Counsel for the applicant wanted time to file rejoinder. post the matter on 3.7.07.

Dis
7.5.07.

lm

Vice-Chairman

Rejoinder not filed.

Dis
8.7.07.
3.7.2007

No rejoinder filed. Post the case on 26.7.2007. In the meantime Applicant may file rejoinder.

Rejoinder not filed.

Dis
25.7.07.

/bb/

Vice-Chairman

26.7.07

No rejoinder filed. Let this case be posted after two weeks. In the meantime the parties will complete their pleadings and thereafter it will be posted for hearing.

Post on 14.8.2007 for order.

Vice-Chairman

pg

11.9.07

At the request of learned counsel for the applicant further four weeks time is granted to file rejoinder. Post the matter on 3.10.07..

Vice-Chairman

03.10.2007

In this case, Mrs. S Roy, learned counsel for the Applicant and Dr.M.C.Sharma, learned counsel for the Railways are present. Despite six adjournments, no rejoinder has been filed in this case as yet. By way of ^{granting} last opportunity to the Applicant, to file rejoinder, this matter is adjourned to be taken up on 13.11.2007.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Rejoinder not
filed.

10.7.07.

Rejoinder not
filed.

1.10.07.

lm

Rejoinder not
filed.

12.11.07.

13.11.2007.

Ms.S.Roy, learned counsel for the Applicant took six adjournments before 3rd October, 2007 for filing rejoinder. On 3rd October, 2007 Ms.S.Roy, learned counsel for the Applicants took another adjournment to file rejoinder. Accordingly, the matter was posted to-day.

Now, Ms. S.Roy, learned counsel for the applicants states that the Applicants ^{not} are ~~going~~ to file rejoinder in this case and ~~that~~ the matter should be posted for hearing.

Accordingly, this matter is posted to 14th November, 2007 for hearing.

Ms.S.Roy, learned counsel for the Applicants and Dr.M.C.Sarma, learned Railway counsel for the Respondents have taken notices of ~~the~~ ⁱⁿ hearing of the matter, ~~which is~~ ^{is} posted to 14.11.2007.

(M.R.Mohanty)
Vice-Chairman

14.11.2007, On the prayer of Mr R.C. Paul, learned counsel for the Applicants, made in presence of Dr. M.C. Sharma, learned Railway Counsel, this case stands adjourned to be taken up on 07.01.2008.

(Khusuram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

07.01.2008

Mr.R.C.Paul, learned counsel appearing for the Applicant filed a leave note seeking adjournment in this case to a date after 16.02.2008.

Call this matter on 18.02.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Rejoinder not
filed.

MRS
4.1.08.

Rejoinder not
filed.


bb
15.2.08.

N

18.02.2008

Call this matter on 31st March,

2008.


(Khushiram)
Member (A)

Rejoinder next
billet.

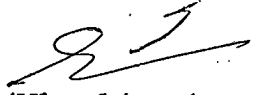
28.3.08


Received
Sachin copy of
order dated 31.3.08

31.3.08

None appears for the applicant nor
the Applicants are present. Dr M.C.Sarma,
learned counsel for the
Respondents/Railways is present. Heard
him.

For the reasons recorded separately
this case stands dismissed.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

2.5.08
Copy of the order
sent to the Dy Sec.
for the parties along
with the copy of the
order for the
parties

Received copy of order

09/09/08
M.C. Sarma,

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 234 of 2006

DATE OF DECISION: 31.03.2008

Shri Kanti Kumar Das & 28 others

.....APPLICANT(S)

Mr R.C. Paul, Ms S. Roy and
Mr S.N. Tamuli,

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

By Advocate Dr M.C. Sharma, Railway Counsel ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

The Hon'ble Mr. M.R. Mohanty, Vice-Chairman

The Hon'ble Mr Khushiram, Administrative Member

1. Whether reporters of local newspapers
may be allowed to see the Judgment? Yes/~~No~~
2. Whether to be referred to the Reporter or not? Yes/~~No~~
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench and other Benches? Yes/~~No~~
4. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/~~No~~

Vice-Chairman/Member

.....

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

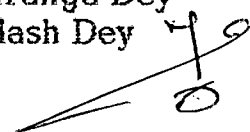
Original Application No.234 of 2006

Date of Order: This the 31st day of March 2008

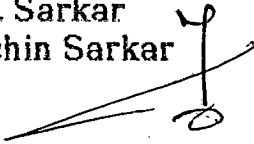
The Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Hon'ble Shri Khushiram, Administrative Member

1. Sri Kanti Kumar Das
S/o Sri Tulsi Chandra Das
2. Shri Dilip Chandra Dey
S/o late Kruna Sankar Dey
3. Sri Banerwar Chakraborty
S/o Manindra Chakraborty
4. Sri L. Appa Rao
S/o Sri L. Ram Loo
5. Sri Prem Lal
S/o Late Babin Lal
6. Sri Sushil Kumar Dey
S/o Sri Birendra Kumar Dey
7. Sri Monalal Chakraborty
S/o Nishi Lal Chakraborty
8. Sri Bishwanath Kumar Dey
S/o Prasanna Kumar Dey
9. Sri Swapan Kumar Deb
S/o Manoranjan Deb
10. Sri Tapan Kumar Ghose
S/o Surendra Ghose
11. Sri Harilal Bhagat
S/o Kapildeo Bhagar
12. Sri Amulya Rishi
S/o Ranindra Rishi
13. Sri Rameswar Kathar
S/o Late Sital Kathar
14. Sri Gauranga Dey
S/o Kailash Dey



15. Sri Niranjan Dutta
S/o Pran Krishna
16. Sri Dulal Ch. Das
S/o Kalipad Das
17. Sri Babul Deka
S/o Digambar Deka
18. Sri Babul Dey
S/o Prafull Dey
19. Sri Narayan Chandra Dey
S/o Lagte Hari Mohan Dey
20. Sri Lalit Mohan Paul
S/o Jageswar Paul
21. Sri Shiba Prasad Shyam
S/o Kanailal Shyam
22. Sri Paltan Mandal
S/o Surendra Mandal
23. Sri Gopal Ch. Das
S/o Kamini Kr. Das
24. Sri Sibendra Chakraborty
S/o Sri Jitendra Chakraborty
25. Sri Ajit Kumar Deb
S/o Kalachand Deb
26. Sri Lakhan Debnath
S/o Hargobinda Sarkar
27. Sri Subal Chandra Debnath
S/o Late Nirod Ch. Debnath
28. Sri Jiban Ch. Sarkar
S/o Late Sachin Sarkar



29. Sri Minash Ali
S/o Rajib Ali.

..... Applicants

All are residents of Lumding, in the
District of Nagaon, Assam.

By Advocates Mr R.C. Paul, Ms S. Roy
and Mr S.N. Tamuli.

- versus -

1. Union of India, represented by the
Chairman, Railway Board, in the
Department of Railways,
Rail Bhawan, Bsisina Road,
New Delhi-110001.
2. The General Manager (Personnel)
N.F. Railway,
Maligaon, Guwahati, Assam.
3. The Senior Divisional Railway Manager (P)
Lumding, District- Nagaon, Assam.

..... Respondents

By Advocate Dr M.C. Sharma, Railway Standing Counsel.

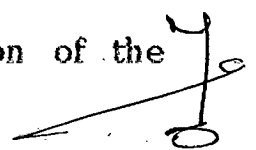
.....

ORDER (ORAL)

M.R. MOHANTY, VICE-CHAIRMAN

None appears for the Applicants nor the Applicants are present. However, with the aid and assistance of Dr M.C. Sharma, learned Counsel for the Respondents/Railways, we are proceeding to dispose of this matter.

2. The Applicants are claiming that they were engaged as Casual Labourers under the Railways. They approached this Tribunal, earlier, for a direction to the Railways to regularize them/to keep their names in the Live Casual Labour Register. The said case of the Applicants (earlier O.A.No.227 of 2004) was disposed of on 12.05.2005 by leaving the matter for the consideration of the



Railways. On consideration of the matter, by an order dated 12.09.2005, the Railways denied the benefit to the Applicants. Relevant portion of the order dated 12.09.2005 (at Annexure-XV of the O.A.) is extracted below:

"Sub: Hon'ble CAT/GHY's order dt. 12.05.05 passed in the case No.OA-227/04 (Shri K.K. Das and others -Vs- UOI and others).

Ref: Your representation dated 8-6-2005.

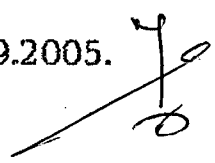
Representations submitted by the applicant(s) have been examined carefully in pursuant to the order dt. 12-5-05 passed by Hon'ble CAT/Guwahati and it is found that the applicant(s) did not apply to the administration for inclusion of their names in the live casual labour register within target date of 31.3.87; in terms of Railway Board's letter No.E(NG)II-78/CI/2 dtd 4-3-87. The applicant(s) did not furnish any documentary evidence to the effect that they submitted their applications in time.

Further, respondent(s) have gone through the contents of the order dtd. 2-8-2000 passed by the Hon'ble CAT/Calcutta Bench in O.A.No.160/1990. It has been found that the applicant(s) in that case, had already been screened by a properly constituted screening committee. Whereas, the applicant(s) in this case No.O.A.227/04 have only claimed that they were working as casual labourer. But they failed to satisfy the main necessary condition of applying within the target date and as such they were not eligible for screening. Therefore, the applicant(s) in the case No.O.A.227/04 are not similarly situated persons to that of applicant(s) in O.A.No.160/1990.

In the above circumstances, representations for absorbing the applicant(s) in the Railway can not be maintained as per rules and law."

3. Being aggrieved by the aforesaid order dated 12.09.2005 of the Railways, the Applicants have again approached this Tribunal with the present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985.


4. The Respondents having filed a counter/written statement has contested the case and supported the impugned rejection order dated 12.09.2005.

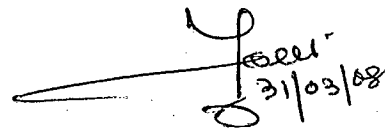


5. Dr M.C. Sharma, learned Counsel for the Respondents/ Railways, at the hearing, has pointed out that in a similar case this Tribunal directed the Railways to consider the matter. In that case, on consideration of the matter, the Railways rejected the claim of the Applicants therein. In the second round of litigation, this Tribunal again asked the Railways to give a further consideration and by an order dated 10.12.2007, the Hon'ble Gauhati High Court did not appreciate the repeated direction of the Tribunal to the Railways to reconsider the 'stale and belated' claim of the Applicants (Ref. W.P.(C) No.6201 of 2007, between Sri Gopal Chandra Saha and others -Vs- The Union of India and others decided on 10.12.2007 by Hon'ble Gauhati High Court).

6. This Tribunal not being an Appellate Authority cannot reappreciate the findings of the Railways in rejecting the claim of the Applicants/in passing the order dated 12.09.2005. This Tribunal can only, at best, examine the matter to the extent it is available in judicial scrutiny. We have found nothing to say that the order of the Railways rendered on 12.09.2005 to be bad for any reason. That apart, prima facie, the claims of the Applicants suffer from delay and laches/limitation.

7. In the aforesaid premises this O.A. is dismissed. No costs.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(M. R. MOHANTY)
VICE-CHAIRMAN

12/9/06

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[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI.

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 2314 of 2006

**Sri Kanti Kumar Das & Ors
-VS-
The Union Of India & Others**

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	Hon'ble Tribunal.		
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Filed by

Rabindra Ch. Paul.

Advocate

8-9-06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI.

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 234 of 2006

Sri Kanti Kumar Das & Ors

-Vs-

The Union Of India & Ors.

Filed by

22

Kanti Kumar Das
Through:- Petitioner
Rabindra Chandra Das
8-9-06. Advocate

Synopsis of the Case

-The applicants herein are the Ex-Casual labourers in the Lumbering Division of N.F. Railway.

Anx- I

-The Railway Board issued different circulars from time to time to absorb in the Ex-Casual Employee in regular post in the Railway Establishment.

Anx. II, III, IV & V

04. 03. 1987- The Railway Authority vide Railway Board's letter no. E (N. G.) II - 78/CL/2 directed the discharged casual labourer to represent for registering their names for consideration of regular absorption.

-The applicants submitted applications alongwith all the necessary particulars to the concerned authority.

Anx-VI

-In pursuance to the letter-dated 04.03.1987, the Respondents Authority absorbed a group of Ex- Casual labourer who were also on the same footing like the applicants.

Anx- VIII

- The applicants approached the Authority individually and through their organization again to consider their application for absorption, the Authority assured that enquiries would be made from the work site where they last worked and on receipt of the record, their names will be considered. The applicants had the information that the reports were sent from work site in favour of them, the Respondents Authority did not consider their case.

Anx- IX (Series)

-Thereafter, the applicants filed an application being O.A. No. 140 of 2002.

21.05.2003- The Hon'ble Tribunal considering the facts of the case directed the applicants to submit individual representations before the General Manager (P), N. F. Railway, Maligaon and on receipt of the application, the Authority shall consider their case.

Anx-X

15.06.2003- In terms of the order, the applicants filed their individual representations alongwith the copies of the respective discharge certificate.

Anx -XI

25.02.04.- The Respondent Authority rejected the representations of the applicants on the ground that they did not apply for registering their names within 04.03.1987.

Anx- XII

-The applicants preferred another application being numbered as O. A. No. 227 of 2004.
12.05.2005- The Hon'ble Tribunal disposed of the application with a direction to the applicants to make individual representations and the same must be dealt considered with reference to the scheme and equal treatment shall be given to the applicants like the applicants before the Hon'ble Central Administrative Tribunal, Calcutta Bench, in O. A. No. 160 of 1990.

Anx-XIII

-The applicants in terms of the order of the Hon'ble Tribunal dated 12.05.2005 filed their individual representations before the Respondent authority.

Anx- XIV

12.09.2005- The Respondents authority rejected the representations on the ground
(i) The applicants are not similarly situated persons to that of the applicants in O. A. no. 160 of 1990.
(ii) The applicants failed to satisfy the main necessary condition of applying within the target date and as such they were not eligible for screening.

Anx -XV

Contentions:

- (i) It is the definite policy of the Railway Board that persons having worked as casual labourers in the post and presently out of employment due to break in service because of want of sanction and/or non availability of the work should be given preference when the opportunity for their absorption arises.
- (ii) The applicants are similarly situated persons but victimatised due to the pick and choose policy adopted by the Respondent Authority.
- (iii) The several representations filed by the applicants as per the directions of the Hon'ble Tribunal on different dates was rejected intentionally and deliberately without assigning any sufficient reasons and which ultimately violates the rights of the applicants guaranteed under Article 14 and 16 of the Constitution of India.

Relief sought for:

- (i) The impugned order issued by the Respondent Authority vide letter No. ES/57/6/pt. (EX. CL) dated 12.09.2005 be set aside.
 - (ii) The names of the applicants be included in the Live Register/ Supplementary Live Register of Ex- Casual workers.
 - (iii) Direction be given to the Respondents authority to absorb the applicants in the Regular post.
-

Kante' kn Day

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI.

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No..... of 2006

1. Sri Kanti Kumar Das

Son of Sri Tulsi Chandra Das.

2. Sri Dilip Chandra Dey,

Son of late Karuna Sankar Dey,

3. Sri Banerwar Chakraborty,

Son of Manindra Chakraborty,

4. Sri L. Appa Rao,

Son of Sri L. Ram Loo,

5. Sri Prem Lal,

Son of Late Babin Lal

6. Sri Sushil Kumar Dey,

Son of Sri Birendra Kumar Dey

7. Sri Monalal Chakraborty,

Son of Nishi Lal Chakraborty

8. Sri Bishwanath Kumar Dey,

Son of Prasanna Kumar Dey

9. Sri Swapan Kumar Deb,

Son of Manoranjan Deb

10. Sri Tapan Kumar Ghose,

Son of Surendra Ghose

11. Sri Harilal Bhagat,

Son of Kapildeo Bhagat.

24
Filed by
Kanti Kumar Das
Through
Kanti Kumar Das
8-9-06
Deputy

12. Sri Amulya Rishi,

Son of Ranindra Rishi

13. Sri Rameswar Kathar,

Son of Late Sital Kathar

14. Sri Gauranga Dey,

Son of Kailash Dey

15. Sri Niranjan Dutta,

Son of Pran Krishna

16. Sri Dulal Ch. Das,

Son of Kalipad Das

17. Sri Babul Deka,

Son of Digambar Deka

18. Sri Babul Dey,

Son of Prafulla Dey

19. Sri Narayan Chandra Dey,

Son of Late Hari Mohan Dey

20. Sri Lalit Mohan Paul,

Son of Jageswar Paul

21. Sri Shiba Prasad Shyam,

Son of Kanailal Shyam

22. Sri Paltan Mandal,

Son of Surendra Mandal

23. Sri Gopal Ch. Das,

Son of Kamini Kr. Das

24. Sri Sibendra Chakraborty,

Son of Sri Jitendra Chakraborty,.

25. Sri Ajit Kumar Deb,

Kandit Ku Das 26

Son of Kalachand Deb

26. Sri Lakhon Debnath,

Son of Hargobinda Sarkar

27. Sri Subal Chandra Debnath,

Son of Late Nirod Ch. Debnath

28. Sri Jiban Ch. Sarkar,

Son of Late Sachin Sarkar

29. Sri Minash Ali,

Son of Rajib Ali

All are the residents of Lumbding, in the district
of Nagaon, Assam.

.....Applicants

-Vs-

1. Union of India

Represented by the Chairman, Railway Board, in the
Department of Railways, Rail Bhawan, Baisina Road,
New Delhi-110001.

2. The General Manager, (Personnel), N.F. Railway,
Maligaon, Guwahati, Assam.

3. The Senior Divisional Railway Manager (P),
Lumbding, Dist: Nagaon, Assam.

.....Respondents.

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

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Kante Ku Das

- (i) Order No. E/57/6/Pt. (Ex. CL) dated 12.09.2005 issued from the office of the Divn. Rly Manager (P), Lumbding, Nagaon, Assam.
- (ii) Discrimination to absorb the casual labourers against regular vacancies by screening them in implementation of the Railway Board's policy issued by the respondent in its different orders which are annexed with the application.

2. JURISDICTION OF THE TRIBUNAL:

The applicants declare that the subject matter against which they want redressal/relief is within the jurisdiction of the Tribunal.

3. LIMITATION:

The applicants further declared the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

4.1 That the applicants, named in the 'Cause Title' of this application, are all citizens of India and are Ex-casual labourers in Lumbding Division of N.F. Railway, Lumbding run under the Management of Union of India and as such they are entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

-A copy of the list showing the date of joining and discharge of the applicants in the Railway administration is annexed and marked as Annexure- I

4.2 That 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 casual workers are being engaged and discharged from time to time. In order to absorb those person who are worked as a casual employee in the Railway Establishment, the Railway Board framed schemes for their absorption in regular substantive post or for their regularization, different circulars are being issued from time to time by the Railway Board and instructed the different authorities to absorb Ex-casual labour or to regularize the existing casual employees.

4.3 That for the purpose of absorption of Ex-casual employees, the concern railway authority is to maintain two kinds of registers namely Live Register and Supplementary Live Register. 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, date of discharge, place of work etc. On the basis of the scheme and policy declared by the Ministry of Railway as well as the Railway Board to absorb the Ex-casual labour. 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 therein.

—Copies of some relevant notifications are enclosed
herewith and marked as Annexure-II, III, IV & V.

4.4 That the Railway Authority vide Railway Board's letter No. E (N.G) II-78/CL/2 dated 04.03.1987 directed the discharged casual labour to represent for registering their names in supplementary live casual labour register on and before 31.03.1987 giving the detailed particulars such as the date of birth, date of engagement, educational qualification, personal mark of identification with

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adequate documentary proof in this regard alongwith attested copy of the casual labour card and any other proof of having worked as casual labour for consideration of regular absorption in due course. But the letter-dated 04.03.1987 was not given proper publicity and further it was not notified in the offices concerned.

4.5 That the applicants who were discharged long back and at the relevant time of issuance of concerned circular/ scheme, were scattered in different places for maintenance of their livelihood and as such many of the applicants came to know about the notification two or three days before from the last date of registering their names in the supplementary casual live register for consideration of regular absorption. The applicants as soon as they became aware of the notification, submitted applications alongwith all the necessary particulars to the concerned authority to register their names in the supplementary live casual register for consideration of regular absorption within 31.03.1987. The applications so submitted by the applicants are lying with the Respondents Authority.

- Application of one of the applicant is annexed herewith and marked as Annexure-VI.

4.6 That, thereafter, all the applicants approached the Respondents Authority on several occasions and asserted their right of absorption in regular substantive post in accordance with the scheme. But unfortunately the demands of the applicants were not considered and they approached the higher authorities but their grievances remained unheeded.

- Some copies of the representations submitted before the higher authorities are enclosed herewith and marked as Annexure-VII (Series).

4.7 That the concern authority in the mean time absorbed a group of Ex-casual labourers who were also on the same footing as like as the applicants. It is pertinent to state that the office of the Respondents Authority prepared list workers excluding the name of the applicants without assigning any 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 the record from work site their names will be considered. The applicants had the information that the reports were sent from work site in favour of them but despite such report, the Respondents' Authority did not consider the names of the applicants for absorption. Thereafter also the applicants themselves individually and also through their organization placed their grievances before the officers concerned but they were deprived of the benefit of the new scheme of the Railway Board for no fault on their part. It is pertinent to mention therein that the present applicants and the said employees who were absorbed mentioned above were similarly situated and some of the present applicants have better candidature than some of the employees who were absorbed.

- A copy of the list of persons who were absorbed in the regular vacancies and representations made by the organizations are annexed and marked as Annexure VIII & IX (Series) respectively.

4.8 That, although, the present applicants sent repeatedly their applications for absorption to all the concerned authorities individually as well as through their organizations, no result came out and finding no other alternative, the applicants filed an application before this Hon'ble Tribunal and the application was registered as O.A. No. 140 of 2002. The Hon'ble Tribunal vide its order dated 21.05.2003 directed the applicants to submit individual representations before the General

Manager (P), N.F. Railway, Maligaon and on receipt of such applications, the authority shall consider their case as per law and pass appropriate order.

- A copy of the order-dated 21.05.2003 is annexed and marked as Annexure -X.

4.9 That, in terms of the order, the applicants filed their individual representations on 15.06.2003 alongwith copies of respective discharge certificate before the concerned authority. The respondent authority has rejected the representations vide order dated 25.02.2004 of the applicants with the observation that the Railway Board vide letter dated 04.03.1987 had given chance to the discharged casual labour to represent for registering their names in supplementary live casual register for consideration of regular absorption on and before 31.03.1987. But the applicants did not do so to register their names at that time and as such at this distant date, it was an impossible task to verify the genuineness of their claim. In the circumstances their claim cannot be maintained as per rules and law.

- Copy of one of the representation dated 15.06.2003 and one of such letter dated 25.02.2004 are annexed and marked as Annexure XI & XII

4.10 That, being aggrieved, the applicants again preferred an application being numbered as O.A. No. 227 of 2004 before this Hon'ble Tribunal. The Hon'ble Tribunal disposed of the application on 12.05.2005 with a direction to the applicants to make fresh individual representations and if such individual representations are filed, the same must be duly considered with reference to the scheme and equal treatment shall be given like the applicants before the Hon'ble Central Administrative Tribunal, Calcutta Bench in O. A. No. 160 of 1990.

- A copy of the order dated 12-05-2005 is annexed and marked as Annexure-XIII.

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4.11 That the applicants in terms of the order-dated 12.05.2005 filed their individual representations before the concerned authority and one of such application is annexed herewith as annexure XIV. The Respondent authority vide order-dated 12.09.2005 rejected the representations on two grounds. At first the applicants are not similarly situated persons to that of the applicants in O. A. No. 160 of 1990. Secondly, the applicants failed to satisfy the main necessary condition of applying within the target date and as such they were not eligible for screening. The applicants crave leave of the Hon'ble Tribunal to produce the representations filed by them in terms of the order-dated 12.05.2005 at the time of hearing.

- A copy of the of the Representations filed in terms of the order dated 12.05.2005 and order dated 12.09.2005 is annexed and marked as Annexure-XIV & XV.

4.12 *That the applicants beg to state that inspite of the fact that it is the definite policy of the Railway Board that persons having worked as casual labourers in the post and presently out of employment due to break in service because want of sanction and/or non availability of work should be given preference when the opportunity for their absorption arises, the administration in utter disregard to the claims of the applicants started absorption of their favored persons on pick and choose basis. Appeals and protests on behalf of the applicants fell flat upon the administration and applicants were given to understand that they did not apply within the target date i.e. 31.03.1987 and as such at this distant date, it was an impossible task to verify the genuineness of their claim. In this regard, it is to mention herein that the applicants submitted applications and copy of the discharge certificate with*

the similarly situated persons who had already been absorbed before the authority for registering their names in the supplementary live casual register for absorption in regular vacancies. It is pertinent to mention herein that the concerned authority did not give any receipt to any of the application and directed to submit the same in a box placed in the concerned office.

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- 4.13 That the applicants beg to state that the respondents had screened/selected a group of casual labourers excluding the applicants in a very arbitrary and whimsical manner. Although the position of the applicants are better than those casual labourers included in the said list workers, the prayer of the applicants were rejected without following due procedure. The applicants further beg to state despite the order dated 21.05.2003 and 12.05. 2005 passed by the Hon'ble Tribunal, the Respondents Authority 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 dated 04.03.1987 within 31.03.1987. It was alleged that the applicants did not submit adequate documentary proof regarding their engagement as casual labourer for verification. It may be mentioned herein that while filing the representation in terms of the orders of the Hon'ble Tribunal, all the applicants submitted Photostat copies of the discharge certificates issued by the concerned authority showing the date of engagement and date of discharge. The authority instead of scrutinizing those certificates intentionally ignored the same with a view to reject the claim of the applicants. The authority could have verified the authenticity of those certificates and if found to be false rejected the claim of the applicants after giving reasonable opportunity to prove their claim.

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4.14 That the applicants beg to state that besides the aforesaid batch of Ex casual labourers, the Railway administration from time to time has absorbed many number of Ex casual labourers in terms of the policies of the Railway Board. The glaring example in this regard were the applicants before the Central Administrative Tribunal, Calcutta Bench in O.A. No. 160 of 1990 who were absorbed on 03.02.2005 in terms of the order dated 02.08.2000 passed by the Hon'ble Calcutta Bench. The applicants in O.A. No. 160 of 1990 were the Ex-casual labourers whose services were not regularized alongwith the other Ex-casual labourers due to the pick and choose procedure adopted by the authority concerned in absorbing the ex-casual labourers in regular post. The applicants are herein also victimized due to the same policy of pick and choose adopted by the respondent authority in absorbing the ex-casual labourers in regular post. The applicants are similarly situated persons like the applicants on O.A. No. 160 of 1990 and as such they are entitled to the same treatment.

— Copies of the order dated 02.09.2000 and 03.02.2005 are annexed and marked as Annexure-XVI & XVII.

4.15 That the applicants begs to state that the subject of the application arises out of the same cause of action and hence the applicants herein have preferred this joint application before this Hon'ble Tribunal.

4.16 That the applicants have become highly aggrieved by the inaction of the respondents and which illegally and arbitrarily deprived them from their legitimate right and as such they are approaching this Hon'ble Tribunal on the following amongst other grounds.

5. Grounds for relief with legal provision:

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I. For that the Respondents herein are under the legal obligation to implement the policy of the Railway Board to absorb all the applicants, the Ex-casual labourers under their control against the regular vacancies.

II. For that the Respondents are arbitrarily and whimsically prepared the Live Register and Supplementary Live Register of Ex- casual labourer without following any norms and procedure which has violated the right to equality and right to equal opportunities in public service guaranteed under Article 14 and 16 of the Constitution of India.

III. For that, the Respondents acted illegally and against the legal provision by allowing equally and similarly situated persons to enjoy the benefits of the new policy of regularization and absorption of employment and at the same time denying the same benefit to the present applicants.

IV. For that the Respondents unilaterally and arbitrarily rejected the representations submitted by the applicants in terms of the order-dated 12.05.2005 in O.A. No. 227 of 2004 without giving any opportunity to the applicants' to substantiate their claim.

V. For that the Respondent ignored the documentary evidence submitted by the applicants without verifying the same.

VI. For that the Respondents acted illegally in not treating the applicants as similar situated persons like the applicants before the Central Administrative Tribunal, Calcutta Bench in O.A. No. 160 of 1990.

VII. For that the Respondents herein are duty bound not to discriminate between one casual labourer and another in absorbing them in regular vacancies.

VIII. For that in any view of the matter the impugned action of the respondents is illegal and cannot be sustained in law.

6.DETAILS OF REMEDIES EXHAUSTED

The matter has been taken up with the respondents vide several representations both individually and through their organizations. But there is no positive response in respect of the representations.

7.MATTERS NOT PENDING WITH ANY OTHER COURT:

The applicants further declare that no such application is pending in respect of which this application has been made before any court or any other Bench of this Tribunal.

8.RELIEF SOUGHT FOR:

The applicants pray for the following reliefs:

- (a) The impugned order issued by the Respondent vide letter No. ES/57/6/Pt.I (Ex.CL) dated 12.09.2005 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 has been done with regard to the ex-casual labourers who were absorbed and the applicants before the Central Administrative Tribunal, Calcutta Bench in O.A. No. 160 of 1990.
- (d) Any other relief or reliefs as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM ORDER, IF ANY, PRAYED FOR:

An order directing the Respondents not to appoint any labour against the permanent vacancies in the offices of the respondent till the application is disposed of.

10. In the event of application being sent by registered post, it may be stated whether the applicant desire to have oral hearing at the admission stage and if so, he shall attach a self addressed post card or inland letter, at which intimation regarding the date of hearing could be sent to him:

Not applicable.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:

- i. I.P.O. NO. 26 G - 325952
- ii. DATE: 8-8-2006
- iii. ISSUED BY: GUWAHATI POST OFFICE.
- iv. PAYABLE AT: GUWAHATI.

12. LIST OF ENCLOSURES

Stated in the Index.

VERIFICATION

I, Sri, Kanti Kumar Das, Son of Sri Tulsi Chandra Das, Aged about, years Resident of Lumbding P.O. Lumbding Dist. Nagaon, Assam, do hereby solemnly declare and affirm that I am one of the applicants of this application and I have been duly authorized by all the applicants to sign this verification and verify that the statements made in paragraph to 1, 2, 3, 4, 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this Verification on this the day of 8th Sept 2006 at Guwahati.

Kanti Ku Das
(Signature)

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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 Kanti Kumar Das, S/o Sri Tulsi Ch. Das.	19.6.81	31.3.82	LCW/LMG
2.	Mr. Dillip 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/HI/ LMG
4.	Mr. Banerwar 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 Nitai 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. Biswanth 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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Rabindra Chandra Paul
Advocate

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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. Anli 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	15.8.76	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 Kallash 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 Kallpada 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

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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	15.12.76 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. Chunnilal, S/o Ramchandra.	8.11.73	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. Bagal Tati, S/o Balbu Tati.	17.1.75	15.8.75	SSE/P WAY BXP
55.	Mr. Judhahar 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/ Maibong
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. Laxhan 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. Puneswar 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. C

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

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Rabindra Ch. Paul
Advocate

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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

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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)

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

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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.

DOCUMENT NO. DN.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

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Rabindra Chandra Paul
Associate

[]

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 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 Divn. 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-

-26- 49

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.

DOCUMENT NO. ENORTH EAST FRONTIER RAILWAYNo: 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)II-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

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Rabindra Ch. Paul
Advocate

3. E(NG)II/91/CL/71
dt. 25.7.91

RECT-310/E/227/144 P.X(C)
dt. 21.03.91

4. E(NG)II/91/MR-1/21
dt. 16.9.91

Kept in CPO's confd.Sco.
Not circulated to all
concerned.

5. E(NG)I-95/RM-1/1
dt. 1.6.99

RECT-091/E/227/144 P.X(C)
dt. 8.6.99.

Sd/-Illegible,
14.03.01
for GENERAL MANAGER(P)MIG.

(Typed copy of Page 84)

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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 IDW/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,

Dated, Lumding,
the 16.3.1987.

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

Certified to be true copy

Rabindra Ch. Paul
Advocate

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 19.06.01 to 31.03.02 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 Kanakhy: Baroy

W/m: 38/D(A) Loco. colony

P.O: Lumding, Dist: Nagaon (Assam)

Attended
15/3/87

RECEIVED
15/3/87
15/3/87
15/3/87
15/3/87

Certified to be true copy

Rabindra Ch. Paul
Advocate

To
The Sr. Divisional Railway Manager(P)
H. P. Railway / Lumding.

Sub :- Employment of discharged Casual Labour.

Sir,

With due respect and humble submission I beg to state that is 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 12.6.81 to 31.3.82 under 10W/Lower Half long which may kindly be varified from the service book for casual Labour issued in my favour.

Sir, it will not be out of place to mention that my father, Thilid 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 favourably and appoint me in any category for which not of your kindness I shall remain evergrateful to you.

Dated, Lumding

Yours faithfully,

Kamal K. Das

C/O Sri. Kamakhya Deb Roy
P.No. 325 (A) Loco Colony,
P.O. Lumding, D.T. Jangraon
(A.G.S.M.)

10/7/85

Attended

10/7/85

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Rabindra Ch. Paul

Advocate

(Typed copy of Page 87)

-)/Lunding.

To

The Divisional Railway Manager (R),
N.F. Railway/Lunding.

Sub :- Employment of discharged Casual Labour.

Sir, With due respect and 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 19.5.81 to 31.3.82 under IDW/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 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,
(Sri Kanti Kumar Das)
C/o Sri Kamakhya Debroy,
W/No. 38D/(A) Loco colony,
P.O. Lunding, Dist-Nagaon (Assam)

Dated, Lunding
the 10.11.89

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

Certified to be true copy

Rabindra Ch. Paul
Adressal

To
The DRM (P)/Lumding.

Sir, (Strongly proper channel)

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/Khalasi are being recruited shortly.

Now I beg to mention that I worked as C/Kha-
lasi 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 retired as Gunner LMC/Ret.
Rly. & expired in 1985 leaving 8 members depending only
on family pension. In our ward we are starving for want
of employment. 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 kind-
ness I shall remain ever grateful to you. The service book
issued in my favour is attached for reference.

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 kind-
ness I shall remain ever grateful to you. The service book
issued in my favour is attached for reference.

Dated, Lumding.

The 12.7.91/1991.

Yours faithfully,

C/O Sri Ramakrishna Das B.
Hrs. No. 38 L/A
Loco Colony, Lumding.

This is to certify that the Khasi Das
S/O Pt. Tulshi Charan Das, was engaged
in service of IOU (L.H.D) under 244-313
hill section as Khasi (C.B) from 19.6.81
to 31.3.82 and discharged with 31.3.82 (F.V)
due to reduction of staff. He is very
sincere and hard working.

Attested
Ex IOU/LCO/HCD
12.7.91

Attested
12/7/91

Certified to be true copy

Rabindra Ch - Paul
Advocate

(Typed copy of Page 39)

To

The Sr. Divisional Personal Officer,
N.E. 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 19.6.81 to 31.3.82 under IQW/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 WPD/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)

to DEM/LMG, Address : C/o Sri Kamakhya Debroy,
Gr. 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,
Gr. No. 38(LA), Loco Colony, Lumding.

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Rabindra Ch. Paul
Advocate

(Typed copy of Page 90)

To
The Divisional Personal Officer,
N.F. Railway, Lumding.
Sir,
I am a regular employee. But I am
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 ID/Lower Hatlong. Copy of the dis-
charged 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 WPD/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,
Sd/- Kanti Das,
Name : (Sri Kanti Das)
Address : C/o Sri Kamakhya Debroy,
Qrs. No. 38L(A), Loco colony,
Lumding.
Copy to DHM/LMG, Sn. 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,
Lumding.

Certified to be true copy

Rabindra Ch - Paul
Adviser

To
The Sr. Divisional Personal Officer,
N. F. 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 ^{6.7.78} 6.1.79 to ^{3.2.79} 3.2.79
under S. & T copy of the discharged certificate enclosed
herewith. I

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 :: Sejal Kanti Dey.
Address:: Shanti Parah (Nabapally)
P.O. Lumding,
Dist. Nagaong

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

Name :: Sejal Kanti Dey.
Address:: Shanti Parah
(Nabapally)
P.O. Lumding,
Nagaong,
(Assam)

Certified to be true copy

Rabindra Ch. Paul
Adviser

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 Engagement.	Date of Discharge	Total Working 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/SHIT.	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	Swapn 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.	Maheswar Kumar.	-do-		30.5.84	18.10.90	975
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

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 Advocate

(2)

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/LMG		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	BWI/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/FCW/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/B/IMG		24.10.81	31.3.83	443
37	Azimul Haque	B.B.Haque	XEN/CON/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

(3)

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	Hemdhara	-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	329
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	Swapan Kr. Das.	Ananta Kr. Das.	XEN/C/CD	16.6.59	10.7.81	5.4.82	272
62	Biren 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

(4)

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

(5)

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	Ratheewar	-do-	4.8.64	1.12.84	1.7.85	213
94	Anil Ch. Das	Upendra	PWI/H/ 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/UMR	4.3.56	25.6.77	15.7.81	208
97	Purnadas Panica	Kuarmingh 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.	LOW/PCW/ 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.	28.11.62	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	Bangsachar 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	6.11.59	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/PCW/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 Majumdar	S.B. Majumdar	IOW/PCW/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	Bare Krishna Das	IOW/MEG	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-		5.7.86	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	Bara 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/MEG.		2.8.77	15.5.83	71
154	Sambu Majumdar	Satish	PWI/BXP	16.2.50	7.3.83	16.5.83	71

44- 67
(8)

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	FWI/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. Rajbangshi	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	15.0.83	39
168	Maresh 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/SETP.	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.

DOCUMENT NO. 6

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

Certified to be True Copy
Rabindra Ch. Paal
Adressate

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

-47-

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

Yours faithfully,

Sd/- ARUP MAZUMDER,
Secretary,
Casual Labour Orgn.
Lumding Division,
Loco Running Council,
P.O. Lumding, 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/Lumding Division.

Sd/-Arup Kr. Mazumder,
Secretary.

Lx-BLM

DOCUMENT NO. H

To

The Divisional Rly. Manager,
N.P. 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.

*Certified to be true copy
Rabindra Ch - Paerl
Advocate*

2) Dy. CPO/MLG's circular.

Yours faithfully,m

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

DOCUMENT NO. I

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)/LMO did not circulate the circular through notice Board of all important Rly. stations of Luming 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,

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Rabindra Ch. Paul
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

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.

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 Labourers, 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 labourers live register Divisionwise separately for both open line and Project Casual Labourers 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 Lumding 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.

Certified to be true copy
Rabindra Ch. Paul
Advocate

It is so painful that the Casual Labours who are working at Lunding, 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)/Lunding. Their names were not included in the Live Register.

The DRM(P)/Lunding 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)/Lunding'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

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,
Lumding,
C/o Loco Running Staff
Association, Loco Colony
Lumding, P.O. Lumding,
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 Baneswar Chakraborty
S/o Manindra Chakraborty
5. L. Appa Rao
S/o Sri L. Ram Loo
6. Sri Senta 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 Late 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

Certified to be true copy
 Rabindra Ch. Paul
 Advocate

: 2 :

22. Sri Pravir Kumar Dhar
S/o Eupendra Dhar
23. Sri Rama Rao
S/o Late Kar Rlaiya
24. Sri Lakshmi 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. Sri 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 Niranjana 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

Contd./3

: 3 :

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 Dharendra 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 Lakhan Debnath
S/o Hargobinda Sarkar
68. Sri Swapan Sarkar
S/o Late Jogendra Sarkar

Contd./4

69. Sri Dulal Sarkar
S/o Late Jogesh Sarkar

70. Sri Puncswar Phukan
S/o Late Akuman 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.

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

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

. . . Respondents.

By Mr.C.Gupta, Railway Standing Council.

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. There

Contd./5

applicants claimed that they also moved the authority for providing the benefits of the Railway Board Circular, 1992. 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

25-6-2003

66

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

Certified to be true copy
Rabindra Ch. Paul
Advocate

-64-

87

// 2 //

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

Enclo :-

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

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

Copy to :-

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

* *

100

DOCUMENT NO. NN.F. RAILWAYOffice 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.

Certified to be true copy
Rabindra Ch. Paul
Advocate

[]

It is ascertained from DRN(P)/LMS 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.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 227 of 2004.

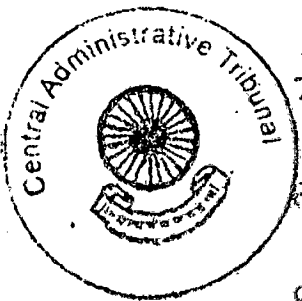
a1

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



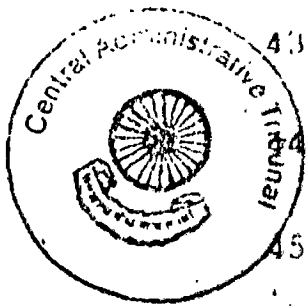
Certified to be true copy
 Rabindra Ch. Paul
 Advocate

92

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 Purnan Ch. Das ✓
S/o of Purnan Das
36. Sri Kishan Ch. Dey
S/o Narendran 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 Anulya 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

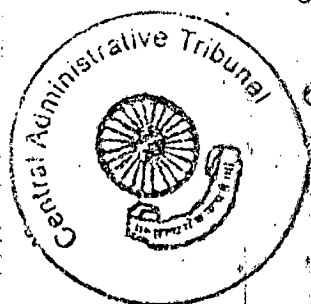
54. Sri Bagai Tati
S/o Balbu Tati
55. Sri Judhishir Nath
S/o Dhirendra Nath
56. Sri Sibendra Chakraborty ✓
S/o Sri Jitendra Chakraborty
57. Sri Parimal Chandra Dey ✓
S/o Satish Ch. Dey
58. Sri Ajit Kumar Deb ✓
S/o Kalachand Deb
59. Sri Durgesh Thakur
S/o Kamal Thakur
60. Sri Lakhan Debnath
S/o Hargobinda 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



Ran Bhawan, Barsha Road, New Delhi - 110 001.

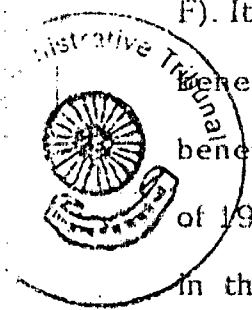
2. The General Manager (Personnel)
North East Frontier Railway
Maligaon, Guwahati - 781 001.
3. The Senior Divisional Railway Manager (P)
Lumding, District: Nagaon, Assam. . . Respondents.

By Advocate Ms. B. Devi.

ORDER (ORAL)

SIVARAJAN, L.(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



lpr

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.

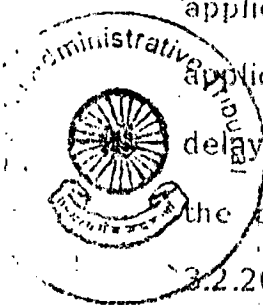
3. Ms. B. Devi, learned counsel appearing on behalf of Mr. S. Sarmā, learned counsel for the Railways, on the other hand, submits

[Handwritten signature]

ex

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



[Handwritten signature]

within a period of three months thereafter. If the orders dated 5.2.2001 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 1988 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.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

SECTION OFFICER (J)
C.A.P. GUWAHATI BRANCH

Guwahati-781005

18/5/05

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

29

Sub : Absorption in regular service.
Re : Absorption of Ex-Casual Labour.

Ref : Order dated 12th May, 2005 passed by the Hon'ble Central Administrative Tribunal,
Guwahati Bench in O.A No. 227/04.

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 any valid reason.
2. That being aggrieved by the non consideration of my case, I have filed applications before the Central Administrative Tribunal, Guwahati Bench along with other similarly situated workers of Lumding Division for two occasions.
3. That after hearing the case the Hon'ble Tribunal passed an order on 12-5-2005.
4. That in terms of the aforementioned order I am submitting this representation for consideration of my case. A copy of the order dated 12-5-2005 is enclosed herewith for your kind perusal.

Necessary particulars in terms of the order are given below. A copy of the discharge certificate is enclosed herewith for your ready reference as a proof of my employment. I shall produce the original copy before the authority as and when called for. The informations like date of birth, date of engagement and discharge, personal marks for identification etc. are specifically mentioned in the discharge certificate.

Necessary Particulars

Name & Address

SRI BABUL DEY
Kalibari Ramthakur Mandir.
No.2 Ward, Sarupathar, Assam.

Nature of Job on initial employment : Casual Labour

Date of Birth : 20-08-60

Educational Qualification : Class- VI(Six)

Date of Engagement : 3-7-77

Date of Discharge : 16-10-77

Personal mark of Identification : As mentioned in discharge Certificate.

It is therefore prayed to consider my case for absorption in a substantive post in terms of the Hon'ble Court's Order as well as under the scheme declared by the Railway Board time to time.

And for this your petitioner as in dutybound shall ever pray.

Sri Babul Dey
Yours faithfully

8/6/05

Copy to :

1. The General Manager (P)
N.F. Rly., Maligaon, Guwahati - 11
2. The Chairman,
Railway Board,
Rail Bhawan, Raisina Road,
New Delhi - 110001

Certified to be true copy
Rabindra Ch. Paul
Advocate

N.F. Railway.

DISCHARGE CERTIFICATE

This is to certify that Sri. Babul. Pray. S/o Prayulla. Worked under me against Monsoon Labelling - - - - - work since 2-7-77. and discharged on 16-10-77 (F.N) ~~for reduction of establishment.~~

Identification mark One rose mark about 2" on the right leg



LT9 on Signature

Attested.

29/10/77

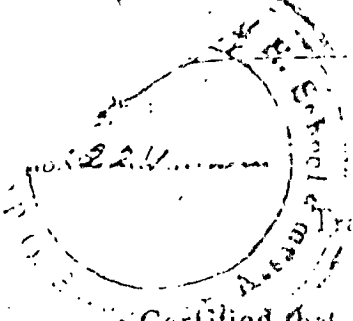
Permanent Way Inspector
N.F. Railway, Barpeta.

29/10/77

Permanent Way Inspector
N.F. Railway, Barpeta.

M 8

School



Transfer/Leaving Certificate

Certified that Shri Pabul Dey
 son/daughter of Shri P. P. Dey
 inhabitant of Sarupathar left this
 school on 31.12.73 He/she was
 reading in class V and had/had not passed
 the Annual Examination of Class V His/Her age
 on the date of leaving the school according to admission Register
 was 13 years 4 months 11 days. His/Her
 character and conduct during his/her career in this school was Good

All sums due by him/her up to 31.12.73 have been paid.

Record of any other training or activities—

Reasons for leaving the school—

- (i) Unavoidable change of residence
- (ii) Ill health
- (iii) Completion of course
- (iv) Minor reasons

Date 8.7.74

Head Master Sub Divisional Information &
Headmaster Aided M. B. School
P. O. Sarupathar, Assam, Dibrugarh, Sarupathar.

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

Sub : Absorption in regular service.

Re : Absorption of Ex-Casual Labour.

Ref. Order dated 12th May, 2005 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A No. 227/04.

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 any valid reason.
2. That being aggrieved by the non consideration of my case, I have filed applications before the Central Administrative Tribunal, Guwahati Bench along with other similarly situated workers of Lumding Division for two occasions.
3. That after hearing the case the Hon'ble Tribunal passed an order on 12-5-2005.
4. That in terms of the aforementioned order I am submitting this representation for consideration of my case. A copy of the order dated 12-5-2005 is enclosed herewith for your kind perusal.

Necessary particulars in terms of the order are given below. A copy of the discharge certificate is enclosed herewith for your ready reference as a proof of my employment. I shall produce the original copy before the authority as and when called for. The informations like date of birth, date of engagement and discharge, personal marks for identification etc. are specifically mentioned in the discharge certificate.

Necessary Particulars

Name & Address : SRI GOPAL CH. DAS
BARPATHAR RLY. STATION, Barpathar
Dist : Golaghat, Assam.

Nature of Job on initial employment : Casual Labour

Date of Birth : 1962

Educational Qualification : Class- II

Date of Engagement : 30/12/76

Date of Discharge : 15-10-77

Personal mark of Identification :

It is therefore prayed to consider my case for absorption in a substantive post in terms of the Hon'ble Court's Order as well as under the scheme declared by the Railway Board time to time.

And for this your petitioner as in dutybound shall ever pray.

GOPAL DAS
Yours faithfully

Copy to:

1. The General Manager (P)
N.F. Rly., Mailgaon, Guwahati - 11
2. The Chairman,
Railway Board,
Rail Bhawan, Raisina Road,
New Delhi - 110001

*Certified to be true copy
Rabindra Ch Paul
Advocate*

DISCHARGE CERTIFICATE

This is to certify that Sri Gopal Ch. Das
 son of Bat- Manini Mr. Das worked under me against
 C.C.P. No. 12-8-78. 15-12-75. C.T.R. No. 30-12-76. 15-2-77,
 17-2-77. 16-6-77. against M/Coast. 17-6-77. 15-10-77. 17-2-78. 15-10-77. (A-11).
 and discharged on 15-10-77. (A-11).
 due to reduction of establishment.

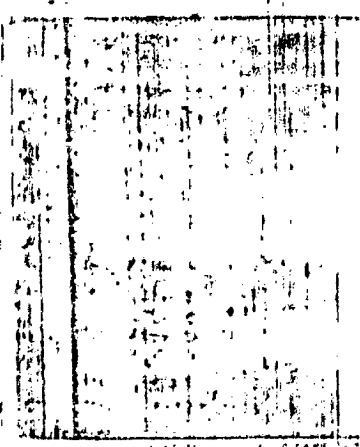
Identification Mark One black spot mark on the left
 shoulder.....

Gopal Ch. Das.
 Signature.

06/01/78
 A. K. Das
 Assistant Way Inspector
 Railway, Baranagar

06/01/78

06/01/78
 Permanent Inspector
 M. E. Railway, Baranagar



No. 11

Borpathar govt. aided H.E. School
Dinigopansara P.O. Karbi Anglong Dist.
Transfer / Leaving Certificate

Certified that Sai Gopal Kr. Das
son / daughter of Lali Kamani Das
inhabitant of Borpathar, Malakhola left this
school on 31st Dec / 42 He / She was
reading in class IX (Nine) and had / had not passed
the _____ His / Her age
on the date of leaving the school, according to admission Register
was 16 years 0 months 0 days. His / Her character
and conduct during his / her career in this school was good
All sums due by him / her up to Nil have been paid.

Record of any other training or activities : Nil

Reasons for leaving -

- ☒ (i) Unavoidable change of residence
- ☐ (ii) Ill health
- ☐ (iii) Completion of course
- ☐ (iv) Minor reasons

allman
Head Master,
Borpathar Govt. Aided High School
Karbi Anglong

Date 21.8.44
Headmaster / Headmistress

Jedoomani Chapakhua, Golaghat.

21.8.44
Date

N.E. RAILWAY.

OFFICE OF THE
DIVN. RLY. MANAGER(P).
LUMDING.

No: E/57/6/PlI(Ex. CL).

Dated 12-9-05

To:

Sri Kanti Kumar Das, c/o Kamakhya Deb Roy.
Q.No. 38/B(A) Loco colony
Lumding.Sub: Hon'ble CAT/GHY's order dt. 12-05-05 passed in the case No. OA-227/04
(Shri K.K. Das and others - Vs- UOI and others).

Ref: Your representation dated 8-6-2005.

Representations submitted by the applicant(s) have been examined carefully in pursuant to the order dt. 12-5-05 passed by Hon'ble CAT/Guwahati and it is found that the applicant(s) did not apply to the administration for inclusion of their names in the live casual labour register within target date of 31-3-87, in terms of Railway Board's letter No. E(NG)II-78/CL/2 dt. 4-3-87. The applicant(s) did not furnish any documentary evidence to, the effect that they submitted their applications in time.

Further, respondent(s) have gone through the contents of the order dtd. 2-8-2000 passed by the Hon'ble CAT/Calcutta Bench in OA No. 160/1990. It has been found that the applicant(s) in this case, had already been screened by a properly constituted screening committee. Whereas the applicant(s) in the case No. OA-227/04 have only claimed that they were working as casual labourer. But they failed to satisfy the main necessary condition of applying within the target date and as such, they were not eligible for screening. Therefore, the applicant(s) in the case No. OA-227/04 are not similarly situated persons to that of applicant(s) in OA No. 160/1990.

In the above circumstances, representations for absorbing the applicant(s) in the Railway can not be maintained as per rules and law.

(K.P. Singh)

DPO/IC/LMG

For Divn. Railway Manager(P)

Copy forwarded for information and necessary action to :
GM(P)/MLG

For Divn. Railway Manager(P)

cut g date 8/6/05 1989

Certified to be true copy
Rabindra Ch. Paul
Advocate

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In The Central Administrative Tribunal
Calcutta Bench

OA. 160 of 1990

Present : Hon'ble Mr. D.V.R.S.G. Dattatreya, Judicial Member
Hon'ble Mr. B.P. Singh, Administrative Member

Ms. Harul Mehta & 31 Others

- Vs -

- 1) Union of India, represented by the General Manager, N.E. Railway, Maligaon, Gauhati-11.
- 2) Deputy Chief Engineer, Bridge (Line), N.E. Railway, Maligaon, Gauhati-11.
- 3) Bridge Inspector, N.E. Railway, Siliguri Junction, Dist: Darjeeling.

... Respondents

For the Applicant : Mr. B. Chatterjee, Advocate

For the Respondents: Mr. U. Sanyal, Advocate.

Heard on : 2-9-2000

Date of Order : 2-8-2000

ORDER

D.V.R.S.G. DATTATREYA, JM

In this application the point for consideration is that 32 applicants pray for direction upon the respondents to absorb them in the Railway in the post of Pholasi.

2. We have heard 12 Advocates for the applicants as well as for the respondents. It is seen from the reply that the applicants were all casual labourers working under Bridge Inspector excepting last four applicants (Sl.No.29, 30, 31 and 32). It is stated by the respondents that screening was done. According to the Ld. Advocate appearing for the respondents, though screening is admitted; it is not proper. As we could see from sub-para 3 of paragraph

Contd.

Certified to be true copy
Rabindra Ch. Paul
Advocate

N.E. RAILWAY

OFFICE OF THE
DY. CE/BR/LMLG

NO: EW/261/1 Pt. II

Dated 3.02.2005

To,

- | | | |
|--------------------------|---------------------------|------------------------|
| 1. Md. Nurul Hoda | 10. Sri Chamaru Rai (SC) | 19. Md. Ali Hussain |
| 2. Sri Honda Kishore Rai | 11. Md. Khalil | 20. Sri Jainu Mahalder |
| 3. Sri Razzak II (SC) | 12. Sri Bidur Pd. Singh | 21. Rajak No. I |
| 4. Sri Hiralal Yadav | 13. Sri Dev Narayan Singh | 22. Md. Salimuddin |
| 5. Md. Usman Ali | 14. Sri Kedar Pd. Singh | 23. Jaharuddin |
| 6. Sri Gopal Chandra Sah | 15. Md. Azimuddin | 24. Jalim Roy (SC) |
| 7. Md. Neyazuddin | 16. Md. Sohrab | 25. Malabar Singh. |
| 8. Md. Mustak Alam | 17. Sri Sushil Sarma | |
| 9. Md. Motizuddin | 18. Sri Satish Singh | |

Sub : Temporary Appointment as Khalasi in scale of Rs. 2550-3200/-
RSRP for implementation of Hon'ble Supreme Court's order.

In terms of GM (P)/MLG's letter number E/170/LC/2/HQ/Cal/2001 dated 09.11.2004, you are hereby appointed as Khalasi in scale of Rs. 2550-3200/- plus usual allowance as admissible for time to time and condition as applicable to temporary appointment in Group 'D' service and posted under SSE/BR/LMG.

This has approval of Competent Authority.

He has been certified Medically fit in B / One.

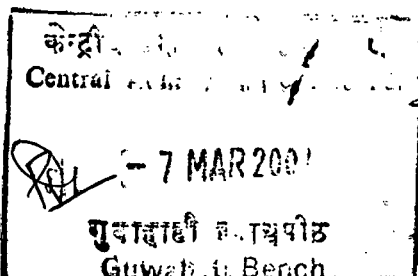
(J. Chakraborty)
AXEN /BR/HQ/MLG

Copy forwarded for information and necessary action to :-

1. FA & CAO/MLG
2. GM (P)/MLG - For information please. This has reference to his letter No. E/170/LC/2/HQ/Cal/2001 dated 09.11.2004.
3. SSE/BR/LMG - He is advised for absorption of the above mentioned Ex. Casual Labour in Group 'D' post of Khalasi in scale of Rs. 2550-3200/-.
4. OS / EW
5. S/Copy for P/Case.

(J. Chakraborty)
AXEN /BR/HQ/MLG

Certified to be true copy
Rabindra Ch. Paul
Adressale



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

IN THE MATTER OF

O.A. 234/2006

Shri K.K.Das & 29 Others ...

Applicants

Versus

Union of India & Others ...

Respondents

AND

IN THE MATTER OF

Written Statement on behalf of respondents.

The answering respondents respectfully SHEWETH:

1. That they have gone through the copy of the application filed and have understood the contents thereof. Save and except the statements which have been specifically admitted hereinbelow or those which have been borne on the records all other averments/allegations made in the application are hereby emphatically denied and the applicant is put to the strictest proof thereof.

2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondents have confined their replies to those allegations/averments of the the applicant which are found relevant for enabling the Hon'ble Tribunal to take a proper decision on the matter.

3. That the application is barred by the principle of res Judicata as the matter connected with the application has been disposed of by the Hon'ble Tribunal on two previous occasions as admitted by the applicants themselves. This application happens to be the third time that the applicants have moved the Hon'ble Tribunal on the same matter.

4. That the application suffers from want of a valid cause of action. All the applicants are well aware that they did not have the qualification for consideration of their applications for enrolment in the live register of casual labourers as they/old not apply in time as per Railway Board's target date in 1987. The application deserves to be dismissed on this ground alone.

5. That the application is barred by limitation as per section 21 of the Administrative Tribunals Act, 1985 and may be dismissed on this ground also.

Filed by
M. C. Sharma

27/03/07
Dr. M. C. Sharma (10)

M.Com, Ph.D., LL.B.
Advocate, Gauhati High Court.
Railway Advocate, Central Administrative Tribunal,
Guwahati

०३. का. मुद्रिचरी, आई. सी.
पु. सी. सेलवे, लार्मर
Divisional Personnel Officer
N. F. B. B. B. B. B.

Division of Foreign Affairs
N. F. A., London

Division of Foreign Affairs
N. F. A., London

Division of Foreign Affairs
N. F. A., London

Division of Foreign Affairs
N. F. A., London

Division of Foreign Affairs
N. F. A., London

(3)

considered judgment of the Hon'ble Tribunal and as per directions given the respondents disposed of the appeals received from the applicants, rejecting their claims. It was clearly indicated to them that since they did not apply before the target date of 31.03.1987 as prescribed by the Railway Board, their applications could not be considered favourably. An extract of letter dated 12.09.2005 issued to the applicant No.1 of this O.A. (similar letter was also issued to the other applicants) reproduced below would make the position taken by the respondents clear :-

"Representations submitted by the applicant(s) have been examined carefully pursuant to the order dated 12.5.05 by Hon'ble CAT, Guwahati and it is found that the applicant(s) did not apply to the administration for inclusion of their names in the casual labour register within target date of 31.3.87 in terms of Railway Board's letter No.E(NG)II-78/CL/2 dated 4.3.87. The applicants did not furnish any documentary evidence to the effect that they submitted their applications in time.

"Further, respondents have gone through the contents of the order dated 2.8.2000 passed by the Hon'ble CAT/Calcutta Bench in O.A.No.160/1990. It has been found that the applicant(s) in this case had already been screened by a properly constituted screening committee. Whereas the applicant(s) in the case No.O.A.227/04 have only claimed that they were working as casual labourers. But they failed to satisfy the main necessary condition of applying within the target date and as such they were not eligible for screening. Therefore, the applicants in the case No.O.A.227/04 are not similarly situated persons to that of applicants in O.A.No.160/1990.

"In the above circumstances, representations for absorbing the applicant(s) in the Railway cannot be maintained as per rules and law".

The above extract clearly indicates that the respondents have looked into various aspects of the matter very carefully and have done all they could to ensure that no injustice is done to any of the applicants.

7. Parawise remarks

7.1. That as regards paragraphs 4.1, 4.2 and 4.3, the respondents have no remarks to offer as they form part of the records to which the applicants are put to the strictest proof thereof.

7.2. That as regards paragraph 4.4, the respondents beg to state that widest possible publicity was given to the Railway Board's letter dated 04.03.1987 and even the Trade Unions recognised by the administration were advised to assist candidates. As a result of this a large number of persons applied and their applications were scrutinised by a properly constituted screening committee of Assistant Officers. Therefore, the allegation that proper publicity was not given is hereby denied.

म. जा. अधिकाारी, आई. सी.

पू. सी. रेलवे, लाहौर

Divisional Personnel Officer

N. F. Ry. La. 100/8



म. स. रेलवे, लार्मिडि
अधिकारी, आई. सी.

Divisional Personnel Officer/IC
N. F. Rly., Lumding

7.3. That as regards paragraphs 4.5 and 4.6, the respondents beg to submit that all the applicants of the present O.A. are residents of Lumding, as stated in page 3 of the O.A. As the notifying authority was at Lumding, it is but natural that they would have known about the contents of the notification containing Railway Board's instruction regarding the last date of application and of the particulars required to be submitted. As a matter of fact, none of them applied in time. They could not furnish any documentary evidence to prove that they submitted their applications to register their names in the casual labour register/supplementary register in proper time. Annexure VI of the O.A. does not show that it was duly acknowledged by the respondent's office. Moreover, Annexure VI does not contain the particulars required as per notice. The signatory of Annexure VI of the O.A. is Shri K.K. Das who is applicant No. 1 of the present O.A. Shri Das was also the applicant No. 1 in the earlier O.A. No. 140/2002 and 227/2004. Nowhere in the aforesaid two O.A.s Annexure VI of the present O.A. was annexed. As such there is reason to believe that Annexure VI of the present O.A. is not a genuine document that can be relied upon.

7.4. That as regards paragraph 4.7, the respondents beg to state that absorption of ex-casual labourers was based on screening of those applicants who applied before the target date of 31.03.1987 fixed by the Railway Board and gave full particulars required by the notification. They lost their opportunity if they did not apply before 31.03.1987 with full particulars. It is unfortunate that they were victims of their own laches. They missed the bus for their own fault and it is no use crying in wilderness.

7.5. That in regard to paragraphs 4.8, 4.9, 4.10 and 4.11, the respondents admit that the orders of the Hon'ble Tribunal and action taken by the respondents have been reflected in them reasonably well. Annexure XV mentioned in paragraph 4.11 truly signifies the two reasons why the applicants have no case, namely that: 1) that the applicants are not persons situated at par with the applicants of O.A. 160 of 1990 of CAT, Calcutta (who were already screened by a properly constituted screening committee whereas the applicants in O.A. 227/2004 of Gauhati CAT were only claiming that they were ~~xxx~~ working as casual labourers without furnishing any proof). 2) Secondly, the applicants failed to satisfy the condition necessary of applying within the target date and as such they were not eligible for screening.

(5)

7.6. That in regards to paragraph 4.12, the respondents beg to deny the allegation that the "administration in utter disregard to the claims of the applicants started absorption of their favoured persons on pick and choose basis". In compliance with this Hon'ble Tribunal's orders in O.A.140/2002 and O.A.227/2004 the respondents disposed of the representations of the applicants clearly stating the reasons for rejection of their claims. For the same reasons the respondents beg to submit that the applicants have no case at all and therefore the application merits summary dismissal.

7.7. That in regard to paragraph 4.13, the respondents submit that the allegations of the applicants made therein have no basis at all. there was nothing arbitrary or whimsical about the action taken by the respondents in the process of screening of applicants because the basic criterion was submission of the applications before the target date of 31.03.1987. As the applicants in the O.A.did not submit their applications with full details before the target date, the question of considering their case did not arise. therefore the allegation of arbitrariness and of whim is denied.

7.8. That as regards paragraph 4.14, the respondents beg to draw kind attention of the Hon'ble Tribunal to the fact that proceeding of the O.A.160/1990 of CAT/Calcutta clearly indicates that the applicants in the said O.A.had already been screened by a properly constituted screening committee. In contrast, the applicants in the present O.A. only claimed that they had worked as casual labourers without proffering any proof of the same and without submitting the claims in time. The allegations made by the applicants in this paragraph are therefore denied.

7.9. That as regards paragraphs 4.15 and 4.16, the respondents beg to state that for the reasons stated in the foregoing paragraphs of this W.S. the applicants have no cause of any grievance at all and therefore the O.A. merits dismissal.

Under the circumstances the respondents beg to state that the applicants do not deserve any of the reliefs/interim orders mentioned in paragraphs 8 and 9 and that the O.A. be dismissed with costs.

....P..6....

[Handwritten signature]
N. F. Kiy., Licensing
Divisional Personnel Officer

(6)

VERIFICATION

I, Shri K.P. Singh, son of KH. Dinamani Singh aged 35 years and at present working as DPO/IS/Lundiny, N.F. Railway Lundiny, do hereby solemnly affirm that the statements made paragraphs 1 to 7 are true to the best of my knowledge and derived from records which I believe to be true and the rest are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the _____ day of February, 2007.


Signature

Designation.

डि. पी. सिंह
ड. पी. सिंह
Divisional Personnel Officer/IS
N. F. Rly., Lundiny