

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 75/2007

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Bahli
25/09/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 75/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Tapan ch. Dey & Ors VS Union of India & Ors

Advocate for the Applicant(s) T.C. Chutia : K. Barpeta
D. Borah Mrs. B. Deka

Advocate for the Respondent(s) Railway Counsel

| Notes of the Registry | Date | Order of the Tribunal |
|--|-----------|---|
| <p>This application is in form is filed C.F. for Rs. 50/- deposited vide IPO/BB No. <u>286924/32</u> Dated <u>16.3.07</u></p> <p><i>[Signature]</i> Dy. Registrar <i>[Signature]</i> 20/3/07</p> <p>Petition's copies for issue notices with envelopes are received.</p> <p><i>[Signature]</i> 26/3/07</p> | 26.3.2007 | <p>Present: The Hon'ble Mr.K.V.Sachidanandan Vice-Chairman.</p> <p>The case of the Applicants is that earlier they had approached this Tribunal by way of O.A. No.77/2005 for their absorption in Group 'D' post and the O.A. was dismissed for delay. The matter was taken before the Gauhati High Court in W.P.(C) No.5188/2005 which was also dismissed but with the liberty to file representation. Pursuant thereto Applicants filed representations which were also rejected. Being aggrieved they approached this Tribunal in O.A.21/2006. This Tribunal directed the respondents to consider the representations to be filed by the Applicants.</p> |

Contd ...

2-
OA-75/07

Contd.
26.3.2007

Pursuant thereto the Respondents constituted a committee and went details in the matter and found that out of the Applicants in O.A.21/2006 six had made their options will before 31.03.1987, three did not turn up and the other two had not made option in time.

Mr. T.C.Chutia, learned counsel for the Applicants submits that in any case six are entitled to get the benefit. In case of remaining two Applicants the delay of one month 12 days can be condoned. Dr.J.L.Sarkar, learned Standing counsel would like to get instruction in the matter.

However, considering the issue involved in this case, I am of the view that the O.A. has to be admitted. Admit the O.A. Issue notice to the Respondents. Six weeks time is granted to the Respondents to file reply statement.

Post on 25.05.2007

Vice-Chairman

/bb/

10.05.2007

Dr.J.L.Sarkar, learned Railway Standing Counsel was represented and was submitted that he not keeping well and hence adjournment was sought.

Post on 21.5.2007 accordingly.

Vice-Chairman

/bb/

Notice & order sent to D/section for issuing to R-1 to 4 by regd. A/D post.

Cons D/No-404 to 407
10/4/07 DE 19/4/07

Notice duly served on R-2,3,4.

Ce
8/5/07

No Wks has been filed.

9.5.07

No Wks has been filed.

18.5.07

DA 75/2007

3

21.5.2007

Dr.J.L.Sarkar was represented and submitted that he is not keeping well. Post the case on 12.06.2007. In the meantime Respondents shall file reply statement.

No W/S has been filed.

11.6.07

Vice-Chairman

/bb/

12.6.07. Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 13.7.07.

W/S not filed.

12.7.07

Vice-Chairman

lm

W/S not filed.

26.7.07

13.7.07. Counsel for the respondents represented that he has sought for time to file written statement. Let it be done. It is made clear that, if it is not filed, case will be proceed without written statement. Post the matter on 27.7.07.

Vice-Chairman

lm

1.8.07

W/S filed by the Respondents. Undertaking given for Service Copy. 27.7.07.

~~W/S not filed~~

1.10.07

At the request of learned counsel for the respondents two weeks further time is granted to file written statement. Liberty is given to the applicant to file rejoinder if any. Post the matter 10.8.07.

Vice-Chairman

Lm

OTA. 75/07 -4-

03.10.2007

None appears for the Applicants nor the Applicants are present in person. On behalf of Mr.T.C.Chutia, learned counsel for the Applicants, a prayer is made for a short adjournment to enable him to file rejoinder. Dr.J.L.Sarkar, learned Standing counsel for the Railways, undertakes to file his appearance memo in this case for the Respondents by the next date.

Call this matter on 09.10.2007 expecting rejoinder from the Applicants.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Rejoinder need
bilateral.

8.10.07

At the request of learned counsel for the respondents two weeks further time is granted to file written statement. Liberty is given to the applicant to file rejoinder if any. Post the matter

10.8.07

Vice-Chairman

27.7.07

ML

09.10.07.

In this case reply and rejoinder has already been filed by the parties. (in presence of Ms. Dipika Baruah learned counsel appearing for the applicant) This matter to be listed for final hearing on 27th November, 2007. Ms. Dipika Baruah, learned counsel appearing for the applicant undertakes to file Index to the Rejoinder, that is to be done by 12.10.07.

Call this matter on 27.11.07.

11.10.07
Affidavit-in-reply (Rejoinder)
against the W/S. Copy
saved.

Dis.

W/S and rejoinder
filed by the parties.

(Khushiram)
Member(A)

(Manoranjan Mohanty)
Vice-Chairman

lm

27.11.2007

This is a Division Bench matter. Hence
adjourned to 05.12.2007.

The case is ready
for hearing.

/bb/

(Khushiram)
Member (A)

27
4.12.07.

05.12.2007

Judgment pronounced in open
Court. Kept in separate sheets.
Application is disposed of. No costs.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

lm

31.3.08

Index saved
vide 8/Nov 126 to
138 DN 11.1.08
to the parties along with
h/Adv for the parties.

Dis.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 75 of 2007

DATE OF DECISION: 05.12.2007

Mr.Tapan Chandra Dey & Ors.

.....Applicant/s

.Mr.T.C.Chutia

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Dr.J.L.Sarkar, Railway Counsel

..... Advocate for the
Respondents

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 their Lordships wish to see the fair copy of the Judgment? ~~Yes/No~~


Vice-Chairman/Member

8

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.75 of 2007

Date of Order: This the 5th Day of December, 2007.

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

- 1 Tapan Chandra Dey,
Son of Shri Munindra Kr.Dey,
Village & P.O.Rangapara,
P.S.Rangapara, District-
Sonitpur, Assam
 2. Md.Abdul Rahim Khan,
Son of Late Md.Ranjan Khan,
Village & P.O.Rangapara,
P.S.Rangapaa, District-
Sonitpur, Assam
 3. Md.San Mahamad Ali,
Son of Late Nazer Ali,
Village-Agiathuri, P.O.Dapara,
P.S. Hajo, District-Kamrup,
Assam
 4. Shri Biswanath Mandal,
Son of Lakhan Mandal,
Village & P.O.Rangapara, P.S.Rangapara, District:-
Sonitpur, Assam
 5. Shri Kripa Sankar Tewari,
Son of Late Boli Ram Tewari,
P.O.Towbhanga, Vill-Nabill,
Tezpur, District-Sonitpur
Assam.
 6. Shri Sajal Dhar,
Son of Shri Matilal Dhar,
Village and P.O.Rangapara,
P.S.Rangapara, District-
Sonitpur, Assam
 7. Md.Tayab Ali
Son of Late Kudrat Ali
Village-Kaniha, P.O.Kaniha,
P.S.Rangia, District-Kamruop,
Assam.
 8. Shri Phatik Choudhury,
Son of Abdul Haque Chowdhury,
Village and P.O. Rangapara
District- Sonitpur, Assam
- Applicants

By Advocate Mr.T.C.Chutia, Mr. K. Barpujari ,Mr.D.Baruah,

-Versus-

1. Union of India,
Represented by General Manager
N.F.Railway, Maligaon,
Guwahati-11
 2. Chief Personnel Officer,
N,F.Railway, Maligaon,
Guwahati-11
 3. Deputy Chief Engineer,
Bridge Line,
N.F.Railway,
Maligaon, Guwahati-11
 4. Inspector,
Bridge Line,N.F.Railway,
Rangapara, North, Assam.
- Respondents.

By Advocate Dr.J.L.Sarkar, Railway Counsel

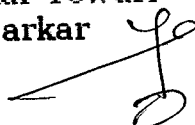
ORDER (ORAL)

M.R.MOHANTY,V.C:

Heard Mr. T.C.Chutia, (assisted by Advocate Mrs. Bandana Deka) learned counsel appearing for the Applicants and Dr.J.L.Sarkar, learned Standing Counsel appearing for the Respondents/Railways and perused the materials placed on record.

2. Following 12 persons, earlier, have approached this Tribunal by filing O.A. No.77 of 2005 seeking a direction to the Railways to absorb them in regular Establishment, for they served the Railways, as alleged, prior to 31st March, 1987.

1. Shri Phatik Choudhury
2. Sri Biswanath Mandal
3. Md.Abdul Rahim Khan
4. Md.Tayab Ali
5. Shri Subhas Sarkar
6. Shri Tapan Chandra Dey
7. Sri Kripa Sankar Tewari
8. Shri Gautam Sarkar



9. Shri Ram Pratap Bharati
10. Sri Kanaiya Goswami
11. Shri Sajal Dhar
12. Md.San Mahamad Ali

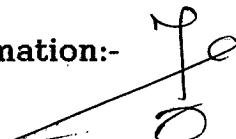
The said Original Application No.77 of 2005 was dismissed on 07.06.2005, on the ground of limitation.

3. Being aggrieved, the aforesaid 12 Applicants approached the Hon'ble Gauhati High Court in Writ Petition No. W.P.(C) 5188 of 2005. while affirming the dismissal order dated 07.6.2005 of this Tribunal(rendered in Original Application No.77 of 2005) the Hon'ble Gauhati High Court on 22.07.2005, made following observations:-

"However, the dismissal of this petition will not be a bar on the part of the Respondents authority to consider the representation, if any, filed by the Writ Petitioners within a period of six months."

4. No action being taken by the Respondents/Railways, this Tribunal was again approached in Original Application No.21 of 2006 and a direction from this Tribunal was obtained asking the Respondents/Railways to consider the grievances in terms of the observations of the Hon'ble Gauhati High Court.

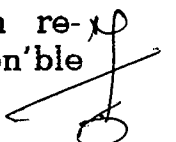
5. It appears from Annexure- 14 dated 18.06.2006, that the aforesaid 12 Applicants were called upon to substantiate their case by furnishing details vide the Respondents' office letter dated 16.6.2006. It appears that the persons (named Shri Ram Pratap Bharati and Shri Kannaya Goswami(Sl.Nos 9 & 10 respectively of the aforesaid list) did not respond to the said letter dated 16.6.2006. However, rest 10 persons were called upon under Annexure-14 dated 18.6.2006 to furnish the following information:-



1. Name:-
2. Father's name:-
3. Date of Birth:-
4. Permanent Address:-
5. Present Address:-
6. Educational Qualification:-
7. Personal Marks of Identification:-
8. Office, Department & Place in which initial engaged and date:-
9. Office, Department & Place in which finally discharged:-
10. Date of discharge and reason for the same :-
11. Whether employed at present, and if so, details:-
12. Two attested copies of casual labour card or any other proof of his casual labour service:-
13. Attested copy of Photograph and attested LTI:-
14. Character Certificate issued by a Gazetted Officer:-
15. Certificate of identification issued by Gram Panchayat/Sarpanch/Mukhiya:-

It is stated that the aforesaid 10 persons furnished the details(shortly after 18.6.06) and the final order was passed by the Railways/Respondents under Annexure-4 dated 02.11.06. Relevant portion of the impugned order under Annexure 4 dated 02.11.06 reads as under:-

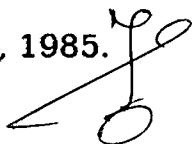
"the issue involved is whether Rly Bd's letter dated 04.3.1987 has been complied with in case of he applicants. From the O.A. and representations dt.06-4.2006 submitted by the applicants and from the submission of their learned counsel t is understood that the applicants are aware that the cut-off date for submitting representation for absorption of ex-casual labour n the Railways were 31-3-1987 as per Rly Bd's letter dated 04-3-1987. Now the question is that whether they had submitted representations for absorption before 31.3.1987. Previously also their appeal were turned down on the ground that they did not submit the representations within 31.3.1987. The whole issue has been re-examined in compliance with Hon'ble



CAT/GHY's above order. For the sake of fair play and justice, a committee comprising of 3 responsible officers were constituted to ascertain whether they had submitted their representations before 31.3.1987. The Committee extended them opportunity to submit documents in support of their claims, that actually they had submitted their applications before the cut-off-date i.e. 31.3.1987. The committee also checked the supplementary casual labour register of Dy.CE/Br/Line office. From the document annexed with the O.A. it is seen that in cases of 6 applicants the date of applications are before 31.3.1987 and in cases of rest the date of application were after 31.3.1987. It is to be mentioned here that the dates mentioned in the applications are written by the applicants themselves. Also they could not produce any document to prove that the applications were submitted before 31.3.1987. The Committee also checked the supplementary casual labour register and it was found that 3 applicants names Sri Kannaia Goswami, Sri Ram Pratap Bharati & Sri Subhas Sarkar are not available in the supplementary casual labour register. In other case, the applications were received by Dy.C.E./Br.Line's office on 21.4.1987. It is pertinent to mention that 2 of the applicants did not turn up to present their case on the date of documents verification. They are Sri Kannaia Goswami & Sri Ram Pratap Bharati.

In view of the above it is concluded that neither from the documents submitted by the applicants, nor from the documents available with the Railway it could be proved that they had submitted their appeal for regularization in the Railways before the cut-off-date i.e. 31.3.1987, which is the norms decided by the Rly Bd. And therefore after due consideration it is held that the case of the applicants do not have merit for regularization in the Rlys as per Rly Bd's order dt.04-3-1987. Hence the representation dt.06.4.2006 is disposed of. This is in compliance of Hon'ble CAT/Guwahati order dt.21-3-06,"

6. Being aggrieved by the aforesaid order under Annexure-4 dated 02.11.2006 of the Respondents, the present Applicants, (8 in Nos) have filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.



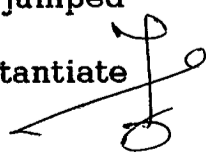
7. By filing a reply, the Respondents/Railways have tried to support the order passed under Annexure-4 dated 02.11.2006 and raised the question of limitation.

8. The impugned order under Annexure 4 having been passed on 02.11.2006 and this Original Application having been filed on 19.03.2006, it can not be said to be a case barred by limitation. Of course, the Original claim is grossly time barred. But for the reason of the observations of the Hon'ble High Court dated 22.07.2005, the Railways were bound to give consideration to the representations of the Applicants. In the present case/OA we are to examine as to whether the Railways have given consideration properly or not.

9. By filing a Rejoinder, the Applicants have tried to say that impugned order dated 02.11.2006 was not properly drawn.

10. At the final hearing the learned counsel for the Applicant pressed the case in respect of only four of the present Applicants; namely; Applicant No.1,(Shri Tapan Chandra Dey), Applicant No.2 (Md. Abdul Rahim Khan), Applicant No.4 (Biswanath Mandal) and Applicant No.5 (Kripa Sankar Tewari); who claimed to have submitted applications (for being taken back to casual labour establishment regularisation) before 13.03.1987 through the Bridge Inspector of Rangapara North of N.F.Railways.

11. It is the case of the learned counsel for the Applicant that without examining all aspect of the matter (that the Applications of present Applicant No.1,2,4 & 5) were received by the Bridge Inspector at Rangapara, of North N.F.Railway, well before 31.03.1987) the Committee of three members of the Railways jumped to the conclusion that the those four Applicants failed to substantiate

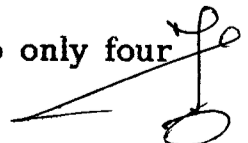


the submission of their claims through application before 31.3.1987.

12 No doubt the initial onus was on the Applicants to substantiate that they submitted their applications for regularisation well before 31.3.1987. But for the reasons of the fact that there are certain endorsements, stated to be of the Bridge Inspector of Rangapara (North) of N.F.Railways on their applications, the onus shifts back to the Railways to substantiate that stand taken by these Applicants (that they submitted applications well before 31.3.1987) are not sustainable. In the present case, the Bridge Inspector of Rangapara North of N.F.Railway has been made a party Respondent No.4. But, in the reply filed by the Respondents/Railways, there are no whisper about him, his Rubber Stump /Seal/ his Signature on the Applications of the Applicants. While filing reply the Respondents should have transparently answered about the seal and signature of the Bridge Inspector on the Applications of the Applicants. The committee set up by Railways, did not care to examine the Bridge Inspector/his alleged signature on the applications of the Applicants.

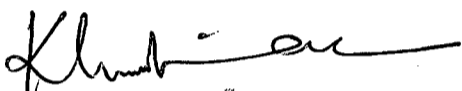
The Committee set by the Railways to examine the case of the Applicants, in our considered view, failed to reach the truth or otherwise of the point in issue and, therefore, we are constrained to hold that the decision dated 2.11.2006 was out come of miscarriage of justice; especially when, as per the Applicants, names of some of the Applicants are available in the Live Casual Register/Supplementary Live Casual Register, leading to a rebuttable presumption that the Applicants were rally working in the Casual Establishment of the Railways prior to 31.3.1987.

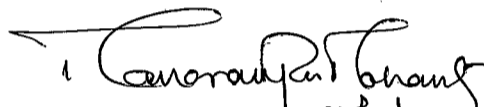
13. In the aforesaid premises while quashing the impugned order under Annexure-4 dated 02.11.2006 (with regard to only four



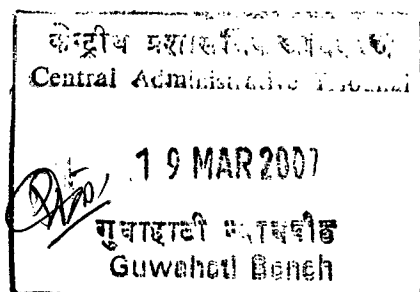
Applicants) the matter is remitted back to the Respondents with direction ~~to~~ that they should re-examine the entire matter in respect of the four Applicants (named in para-10 above) and grant them necessary relief, as due and admissible on merit, within a period of three months from the date of receipt of a copy of this order.

14. With the aforesaid observations and directions this Original Application stands disposed of. Send copies of this order to all the Applicants and all the Respondents. Free copies of this order be also supplied to the counsel appearing for the parties.


(KHUSHIRAM)
MEMBER(A)


(M.R. MOHANTY) 05/12/07
VICE-CHAIRMAN

LM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

O.A. NO. 75/2007

Tapan Ch. Dey and others.

... Applicants

-Versus-

Union of India & ors.

... Respondents.

SYNOPSIS

This application has been filed challenging the order dated 2.11.2006 issued by Railway authority in compliance with Hon'ble CAT, Guwahati order dated 29.3.2006 in OA No. 21/06. The applicants submitted representations before the Railway authority well before cut off date i.e. 31.3.1987 for regularisation of their services as per the rules of the Railway. In the earlier occasion the Railway authority did not consider this fact. Therefore, this Hon'ble Tribunal vide order dated 29.3.2006 directed the respondents Railway authority to consider the representations submitted before the authority on 31.3.87. The names of the petitioners appeared in the supplementary casual labour Register and they have serial number in the Register. But the Railway authority though found the representation filed before 31.3.87 and names of the applicants are found in the casual labour register, yet vide order dated 2.11.2006 has rejected the prayer of the applicants. Hence this application before this Hon'ble Tribunal.

Filed by

[Signature]
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

O.A. No. 75 / 2007.

Tapan Ch. Dey and others.

... Applicants.

-versus-

Union of India & Ors.

... Respondents.

LIST OF DATES

| <u>Sl. No.</u> | <u>Date</u> | <u>Particulars</u> | <u>Annexure</u> | <u>Pg.No.</u> |
|----------------|-------------|--|--------------------------|---------------|
| 1. | 29.3.06 | Order in OA No. 21/96 passed by this Hon'ble Tribunal. | 1 | 11 |
| 2. | 20.9.01 | Railway notified letter for absorbtion of the casual labour who had put in minimum 120 days casual service in Railway Deptt. | 2 | 17 |
| 3. | 17.1.03 | Railway letter regarding absorbtion of ex-casual labour whose names appeared in leave Register and Supp- lementary leave Register. | 3 | 19 |
| 4. | 21.11.06 | Speaking order passed in compliance with order dtd. 29.3.06 in OA No. 21/06 in CAT. | 4 | 21 |
| 5. | 12.3.87 | Representations filed by the applicant. Filed by Advocate | 5,6,7, 8,9,10, 11, & 12. | 24 to 31 |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BRANCH.

Filed by:

Sri Tapan ch. Dey.

Through: Ms. Kanta Borpuzari

Advocate

No 627

ORIGINAL APPLICATION NO. 75 /2007

1. Tapan chandra Dey,
son of Shri Munindra Kr. Dey,
Village & P.O. Rangapara,
P.S. Rangapara, District-
Sonitpur, Assam.
2. Md. Abdul Rahim Khan,
son of Late Md. Ranjan Khan,
Village & P.O. Rangapara,
P.S. Rangapara, District -
Sonitpur, Assam.
3. Md. San Mahamad Ali,
son of Late Nazer Ali,
Village- Agiathuri, P.O. Dapara,
P.S. Hajo, District- Kamrup,
Assam.
4. Shri Biswanath Mandal,
son of Lakhan Mandal,
Village & P.O. Rangapara,
P.S. Rangapara, District-
Sonitpur, Assam.

Contd...2.

5. Shri Kripa Sankar Tewari,
Son of Late Boli Ram Tewari,
P.O. Towbhanga, Vill- Nabill,
Tezpur, District- Sonitpur,
Assam.
6. Shri Sajal Dhar,
Son of Shri Matilal Dhar,
Village and P.O. Rangapara,
P.S. Rangapara, District-
Sonitpur, Assam.
7. Md. Tayab Ali,
Son of Late Kudrat Ali,
Village- Kaniha, P.O. Kaniha,
P.S. Rangia, District- Kamrup,
Assam.
8. Shri Phatik Chowdhury,
Son of Abdul Haque Chowdhury,
Village and P.O. Rangapara,
District- Sonitpur, Assam.

- Applicants.

- versus -

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

Contd.....3.

2. Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati - 11.
3. Deputy Chief Engineer,
Bridge Line, N.F. Railway,
Maligaon, Guwahati - 11.
4. Inspector,
Bridge Line, N.F. Railway,
Rangapara, North, Assam.

- Respondents.

DETAILS OF APPLICATION :

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

Order dtd. 2.11.2006 ~~xxxx~~ issued by the Assistant Bridge Engineer, Office of the Deputy Chief Engineer/ Br./Line, Maligaon, Guwahati- 11 in compliance with Hon'ble CAT, Guwahati's order dtd. 29.3.2006 in OA NO.21/2006 Sri Tapan Chandra Dey and 11 Ors - Vs- U.O.I. & Ors., refusing to regularise the applicants in Railway Department though the names of the applicants appeared in the supplementary casual Labour Register.

The applicants further beg to state that

Contd...4.

26
D
N
S
D
D

21
12/5/06
1988

u/s 4(5) a of CAT (Procedure) Ref No. 1988
the application is made jointly for common cause of
action and the relief sought for herein is identical
in nature. The applicants are entitled for regulari-
sation of services being casual labourers / ex- casual
labourers as per scheme of the Railway Board's letter
dtd. 20.9.2001 and 17.01.2003.

Copies of order dtd. 29.3.06, letter dtd.
20.9.2001, 17.1.2003 and order dtd. 2.11.06
are annexed and marked as Annexures- 1, 2, 3
and 4.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject
matter of which they want redressal is within
the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicants further declare that the
application is within the limitation period.

4. FACTS OF THE CASE:

(1) The applicant NO.1 was employed as
casual labour in the Railway department and
he rendered his service from 8.4.82 onwards
for more than 150 days. His name was recor-
ded in the supplementary casual labour regis-
ter and his serial NO. in the register is 136.

contd...5.

The applicant submitted representation on 12.3.87 for regularisation of his service as per Board's letter dtd. 4.3.87.

(ii) Applicant NO.2 was employed as casual labour in the year 1976 and worked upto 13.9.83 for more than 350 days. His name was registered in the casual labour register and in serial NO.113. The applicant submitted representation for regularisation of his service on 10.3.87.

(iii) The applicant NO.3 was employed in the Railway Department as casual labour in the year 1982 and he worked for more than 120 days. His name was registered in the casual labour register and his serial NO. is 119. The applicant submitted application on 12.4.87 for regularisation of his service.

(iv) The applicant NO.4 was employed as casual labour in the Railway department in the year 1978 in the Bridge Department, Rangapara and he worked till 15.01.84 for more than 744 days. His name was registered in the casual labour register and his serial NO. is 132. The applicant submitted his representation on 13.3.87 for regularisation of his service.

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(v) The applicant No.5 was employed as casual labour in the year 1978 and he worked upto 15.5.87 for 374 days. The applicant's name appeared in the casual labour register and in serial No.147. The applicant submitted representation on 13.3.87.

(vi) The applicant No.6 was employed as casual labour in the year 1982 and he worked for more than 120 days. His name was registered in the casual labour register in serial NO.126. He submitted his representation on 11.4.87 for regularisation of his service.

(vii) The applicant No.7 was employed as casual labour in the year 1977 and he worked upto 15.5.82 for more than 340 days. His name was recorded in the casual labour register in serial number 151. He submitted representation on 12.4.87 for regularisation of his service.

(viii) The applicant NO.8 was employed as casual labour in the year 1978 and he worked upto 23.5.83 for more than 223 days. His name appeared in the casual labour register in serial NO.111. He submitted representation

contd...7.

on 11.4.87 for regularisation of his service.

All the applicants were employed in the Bridge Department, N.F. Railway, Rangapara. The representations submitted by the applicants are annexed and marked as 5,6,7,8,9,10, 11 and 12.

The applicants further beg to state that they have worked for more than 120 days and their names appeared in the casual labour register. Hence, they are entitled to be regularised as per scheme of the Railway Board dated 20.9.2001 and 17.01.2003. But the Railway authority vide order dtd.2.11.2006 arbitrarily and whimsically ~~rejected~~ rejected the prayer of the applicants for regularisation of their services. The Railway authority has not considered their cases even after names are found in the supplementary casual labour register. The only ground has been stated that some of the applicants has not preferred representations before cut-off-date i.e. 31.03.87. They only look for technicality, but did not look or give importance in the spirit of the scheme. Moreover, having admitted that the names of the applicants appeared in the ~~xxx~~ ~~live~~ register of the Railway Board, the

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Railway authority ought not to have passed the impugned order dtd.2.11.2006. The said order is liable to be set aside and quashed.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

Illegal, arbitrary, whimsical and discriminatory action on the part of the respondents in passing the impugned order dtd. 2.11.06 without considering the case of the petitioner on merit as well as on humanitarian ground whereby the applicants have been deprived of their legitimate claim for regularisation of services as group 'D'.

6. DETAILS OF REMEDY EXHAUSTED:

Representations submitted by the applicants are not considered by the railway authority. This application is preferred against the order dtd.2.11.06 passed by the Office of the Deputy Chief Engineer/Br./Line, Maligaon, Guwahati-11.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURTS:

The matter was filed and disposed of and not pending in any other court.

contd...9.

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Hono 17 B. G. N.

8. RELIEF SOUGHT FOR :

(a) In the premises as stated above it is humbly prayed that this Hon'ble Tribunal would graciously be pleased to pass order/ orders or directions to the respondents to absorb the applicant in group 'D' post as per scheme of the Railway Board by setting aside the impugned order dtd.2.11.2006 (Annexure- 4).

(b) Records of the case may be called for including the Labour Register from the Railway authorities.

9. INTERNAL ORDER :

Direction may be given to the respondents to produce the supplementary casual labour register and to keep 8 posts of Group 'D' in the Railway department vacant till the disposal of the case.

10. APPLICATION NOT SENT BY POST :

11. PARTICULARS OF THE POSTAL ORDERS:

12. LIST OF ENCLOSURES:

- i) Order dtd. 29.3.06 and 2.11.06.
- ii) Letters dtd. 20.9.2001 and 17.1.03
- iii) Representations of the applicant.

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

I, Shri Tayab Ali aged about 45 years, Son of Late Kuddrat Ali, resident of Village Koniha, P.O. Kaniha, P.S. Rangia, Dist. Kamrup, Assam, on my behalf and on behalf of other applicants as authorised me by them, do hereby verify the statements made in paragraphs 2, 3, 4 (partly), 5, 6, 7, 8, 9, 10, 11, 12 are true to my knowledge, those made in paragraphs 1, 4 (partly) being matter of records are true to my information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 19th day of March, 2007.

স্বঃ ত হা ব আলী
Applicant.

SL. No. 86

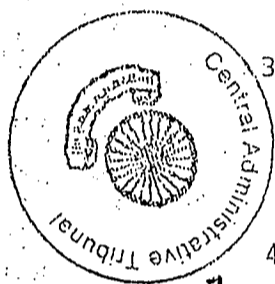
CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

ANNEXURE-1

Original Application No. 21 of 2006.

Date of Order: This, the 29th Day of March 2006.

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN.



1. Tapan Chandra Dey
S/O Shri Munindra Kr, Dey
Village & P.O: Rangapara
P.S: Rangapara
Dist: Sonitpur, Assam.
2. Md. Abdul Rahim Khan
S/o Late Md. Ranjan Khan
Village & P.O: Rangapara
P.S: Rangapara
Dist: Sonitpur, Assam.
3. Shri Kanaiya Goswami
S/o Shri Bali Narayan Goswami
Village & P.O: Rangapara
P.S: Rangapara
Dist: Sonitpur, Assam.
4. Shri Kripa Sankar Tewari
S/o Late Boli Ram Tewari
P.O: Towbhanga, Vill: Nabill
Tezpur, Dist: Sonitpur
Assam.
5. Shri Ram Pratap Bharati
S/o Late Satya Narayan Bharati
Vill. & P.O: Rangapara
P.S: Rangapara
Dist: Sonitpur, Assam.
6. Shri Biswanath Mandal
S/o Lakhon Mandal
Vill. & P.O: Rangapara
P.S: Rangapara
Dist: Sonitpur, Assam.
7. Md. San Mahamad Ali
S/o Late Nazer Ali
Vill: Agiathuri
P.O: Dadara, P.S: Hajo
Dist: Kamrup, Assam.
8. Shri Phatik Chowdhury
S/o Abdul Haque Chowdhury
Vill. & P.O: Rangapara

Handwritten signature: *K. V. Sachidanandan*

Handwritten signature: *K. V. Sachidanandan*

P.S: Rangapara
Dist: Sonitpur, Assam.

9. Shri Sajal Dhar
S/o Shri Matilal Dhar
Vill. & P.O: Rangapara
P.S: Rangapara
Dist: Sonitpur, Assam.

4 10. Md. Tayab Ali
S/o Late Kudrat Ali
Vill. & P.O: Kaniha
P.S: Rangia
Dist: Kamrup, Assam.

5 11. Shri Subhas Sarkar
S/o Shri Sudhir Sarkar
Vill: Narendra Palli, Rangapara
P.O. & P.S: Rangapara
Dist: Sonitpur, Assam.

9 12. Shri Gautham Sarkar
S/o Late Shasi Bhusan Sarkar
Vill: Namanigaon
P.O. & P.S: Rangapara
Dist: Sonitpur, Assam.

.....Applicants

By Advocates Mr. T.C. Chutia, Ms.M.Choudhury & Mrs.N.Nath.

- Versus -

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

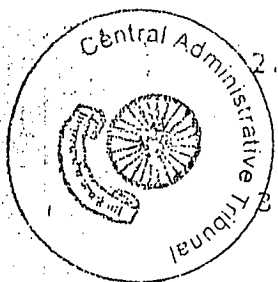
2. The Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati-11.

Deputy Chief Engineer
Bridge Line, N.F.Railway
Maligaon, Guwahati-11.

4. Inspector
Bridge Line, N.F.Railway
Rangapara North, Assam.

..... Respondents

By Mrs. B. Devi counsel for the Railways.



J.K. Sahana

ORDER (ORAL)

SACHIDANANDAN, K.V., (V.C.):

The applicants, 12 in number, have worked in the Bridge Line, N.F. Railway, Rangapara for more than 120 days as casual labourers. They started working in the Railway department in the year 1975 and some of them had worked till 1984 and their names have been recorded in the service record as casual labour. Some of the applicants received permanent salary alongwith bonus. But the respondents have irregularly dropped them from service. The applicants have submitted several representations and for non-consideration of the same has forced them to approach this Tribunal by way of O.A. No.77/2005 praying for a direction upon the respondents for absorption in Group 'D' posts. The said O.A. was dismissed vide order dated 7.6.2005 on the ground of delay. However, the matter was taken before the Hon'ble High Court in W.P.(C) No. 5188/2005 and the Hon'ble High Court vide order dated 22.7.2005 passed the order, relevant portion of which is reproduced below:-

" In view of the specific provision under the Act, we find that the learned Tribunal in passing the impugned order has committed no illegality and hence, the petitioners are not entitled to get any relief. Accordingly, the petition shall stand dismissed. However, the dismissal of this petition will not be a bar on the part of the Respondent authority to consider the representation, if any,

-14-

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filed by the writ petitioners within a period of six months."

In furtherance of that order the applicants have filed representations which were rejected by the respondents by the Annexure-1 order dated 28.9.2005, relevant portion of which is quoted below:-

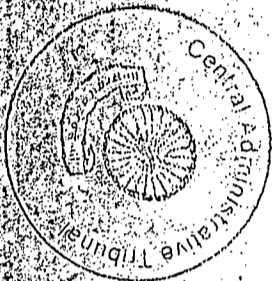
" Accordingly, the Competent Authority has consider the representation of the applicants in compliance of the above order. It is observed that as per Railway Board's letter NO. E/NG/II-78/CL/2 dt. 4.3.87, circulated vide GM(P)/MLG letter No.E/57/0-Pt.XI(C) dt.13.3.87, all the Casual Labour were asked to apply by 31.3.87 for consideration of their cases to Deputy Chief Engineer, N.F.Railway (Bridge), Maligaon. But the applicants failed to prefer representation within the stipulated period i.e. 31.3.87. Hence their names could not be registered in the Live Casual Register. It is not possible to accommodate them at this distant date."

The grievance of the applicants is that their claim has been rejected on the ground that they have not preferred their claim before the respondents before the cut off date i.e. 31.3.87. Being aggrieved the applicants have filed this O.A. seeking for the following reliefs:-

"8.(a) In the premises as stated above it is humbly prayed that this Hon'ble Tribunal would graciously be pleased to pass order/orders as directions to the

respondents to absorb the applicants in Group 'D' post as per scheme of the Railway Board and as per Railway Board's letter dtd. 4.3.87 setting aside the impugned order dtd. 28.9.05 (annexure-1) passed by Respondent No.3.

- (b) Directions may be given to respondents to register the names of the applicants in the Live Casual Register and to absorb the applicants in the Group 'D' post.
- (c) Pass such any order or orders as to give complete relief to the applicants which the Hon'ble Tribunal may deem fit and proper."

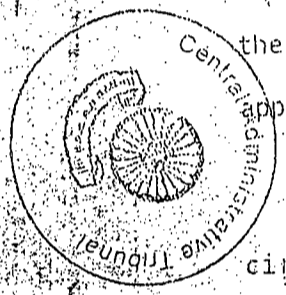


2. Mr. T. Chutia, learned counsel appeared for the applicants and Mrs. B. Devi, learned counsel represented the Railways. When the matter came up for consideration, Mr. Chutia, learned counsel for the applicants submitted that the applicants have already annexed some documents with the O.A. to show that they have preferred their claim well before the cut off date i.e. 31.3.1987 but that fact has not been considered by the respondents without application of mind. Counsel for the applicants submits that applicants will be satisfied if a direction is issued to the respondents to consider the case of the applicants on the basis of the relevant documents and pass appropriate orders. Counsel for the respondents submits that such recourse will meet the ends of justice and therefore she has no objection in adopting such exercise. This Tribunal

also feels that such exercise will suffice the ends of justice. Therefore, this Tribunal directs respondent No.3 or any other competent authority, as directed by him, to consider representation; for which the applicants are at liberty to file comprehensive representation alongwith all documents within a period of two weeks from today. The concerned respondent shall consider and dispose of the same within a time frame of three months from the date of receipt of such representation. It is also made clear that the respondents shall afford personal hearing to the applicants, if they so seek for

The O.A. is disposed of as above. In the circumstances, there is no order as to costs.

Sd/ VICE CHAIRMAN



Date of Application : 30.2.06
Date on which copy is received : 30.2.06
Date on which copy is referred : 30.2.06
Certified to be true copy

[Signature]
30.3.06
Section Officer (Jd1)
C. A. T. Guwahati Bench
Guwahati

[Signature]
30.3.06

RECT - 923.

NO. E 757/0 Pt.XIII(C)

To,

GM/MLG, GM(COR)/MLC.AGM/MLG,
All PHODs, All DRMs, Sr.DFOs,
Dy. CME/ NRQs, DEWs, All DAOs, WAO/WBOs, DEWs,
All AENs, Sr. DEN/MLG, DEN/ DBRT.,
All Area Manager, all Sr. DME(D), OSD/RNY,
All Non-Divisionalised units, All SFOs
The GS/NFREU, NFRWU, AISCTREA & NPROCEA/MLG.

Sub: - Absorption in the Railways of Ex-Casual Labour
Borne on the Live/Supplementary Live Casual
Labour Registers.

A copy of Railway Board's Letter No. E(MD) 11/
99/01/99 dated 20.9.2001 (RBE NO.190/2001) on the
above subject is forwarded for information and neces-
sary action. Board's earlier letters 25.7.97, 11.1.99
and 28.2.2001 as referred to in their present letter
were circulated as under :-

Board's letter NO. & Dtd.

This Office

- | | |
|-----------------------------------|--|
| 1.E (NG) 11/91/CL/71, dt. 25.7.91 | RECT 810E/227/144/Pt.IX (C) dtd. 28.1.91. |
| 2.E (NG) 1-95/PR-1/1 dt. 10.1.90 | RECT 998E/227/144.Pt.IX (C) dtd. 18.2.94. |
| 3.E (NG) 10-99/CL/19, dt. 28.2.01 | RECT 914 E/57 GP, dtd. |

Copy of the Railway Board's letter No.E (NG)
11/99/CL/19 dated 20.9.01.

Sub: - Absorption in the Railways of Ex-Casual labour
borne on the Live/Supplementary Live Casual
Labour Registers.

In terms of para 6 of this Ministry's letter of
even number dated 28.12.02 relaxation of upper age limit

contd...2.

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Wspuzgu
Advocate

for absorption of ex-casual labour borne in Live Casual Labour/ supplementary Live Casual Labour Registers has been added upto 40 years in the case of general candidates. 43 years in the case of OBC candidates and 45 years in case of SC/ST candidates provided that they have put in minimum 3 years service in continuous spells as per instruction contained in this minister's letter No. E(NG)/91/C/21 dtd. 27.1.91 read with their letter No. E(NG)/ dtd. 11.1.99 .

120 days

2. The question of removal of minimum three years service conditions (continuous or broken) for the purpose of grant of age relaxation to ex-casual labours as mentioned above has been taken up in the PNM-NFIR vide agenda item No. 41/2001. AIRP has also taken up the question of announcing the upper age limit. The matter has been carefully considered by this ministry. It has been decided that in partial modification of the instruction quoted above the ex-casual labour who had put in minimum 120 days casual service, whether continuous or in broken spells and were initially engaged as casual labours within the prescribed age limits of 28 years for general candidates and 33 years for SC/ST candidates would be given age relaxation upto the upper age limit of 40 years in case of general candidates and 43 years in case of OBC candidates and 45 years in case of SC/ST candidates. Other provisions for their absorption in group 'D' will remain unaltered.

3. It has also been decided that the ex-casual labour who were eligible in respect of the above modification will be considered for absorption with prospective effect.

4. Please acknowledge receipt.

sd/-
(Devika
Executive Director ...
Railway Board.

N. F. RLY.

RECT- 941.
NO: E/227/144Pt-X1(C)

Office of the
General Manager (P)
Maligaon: Guwahati-11.
dated 14-2-2003

TO
GM/MLG, GM(CCN)/MLG. AGM/MLG,
All PHCDs, All DRMs, ADRMs, All Sr.DPOs,
All DAOs, CWM/NBQs, DBWS, WAO/NBQs,
DBWS, All Area Managers, All Sr.DME(D)s
AENs, APQ/GRY, NBQs & NJP,
OSD/BNY, IDEN/DBRT, DY. CE/Br. line/MLG,
DY. CSTE(MW)/MLG, DY. CAO/Cash & Pay/MLG.
Sr. DEN/MLG., All Non-divisionalised Unit.
All SPOs and APOs of P. Branch/Maligaon.
The GS/NEREU, NFRW, AISCTREA & NFRBCSA/MLG.

Sub: - Open market recruitment in Group 'D' Categories.

A copy of Railway Board's letter No. E(NG)11/91/RR-1/21 dated 17-1-2003 (RBE NO-17/2003) on the above mentioned subject is forwarded for information and necessary action please. A copy of Board's letter No. E(MPP)/2002/1/83 dated 17-1-2003/RBE NO. 16/2003 is also enclosed herewith.

(P. G. Johnson)
APO/R.

for General Manager (P) MLG.

(Copy of Railway Board's letter No. E(NG)11/91/RR-1/21 dated 17-1-2003.)

Sub: Open market recruitment in Group 'D' categories.

Attention is invited to Board's letter of even number dated 16.09.1991, wherein, it had been laid down that Railways are required to seek Board's prior approval before resorting to open market recruitment in Group 'D' categories.

Pursuant to a demand raised in PREM meeting by the Staff side. The matter has since been reviewed by the Board and it has been decided that the Railways need not take prior approval of the Board while placing indents before the RBE. However before resorting to open market recruitment it should be ensured that the following conditions are fulfilled:-

(i) The recruitment should have the personal approval of the General Manager;

(ii) Such recruitment should be resorted to only after exhausting the possibility of absorbing :-

a) Surplus staff available for redeployment;

b) Casual Labour on Roll;

c) Casual Labour on Live Registers and

d) Supplementary Live Registers;

| | |
|---------|--|
| OFFICER | |
| CPO | |
| CPO/A | |
| APOR | |
| ASST | |

It is further clarified that General Managers are competent to fill up the backlog of prescribed intake, which could not be filled up due to various reasons from August 2000 i.e. the date when the order of Rightsizing was issued excluding compassionate ground appointments. In this regard order of 1.0%/0.5% on intake stand modified in terms of Board's letter No. E(MPP)/2002/1/83 dated 17.01.2003(copy enclosed).

Please acknowledge receipt.

Hindi version will follow.

Ashok Kumar
(Ashok Kumar)

Joint Director Estt. (N) II
Railway Board

New Delhi, dt. 17.01.2003.

No. E(NG)II/91/RR-1/21

Government of India
Ministry of Railways
(Railway Board)

RBE.No 16/2003

Dated 17.1.2003

No E(MPP)2002/1/83

General Managers/OSDs, All Zonal Railways/PUs
RE/Allahabad, MTP/Kolkata, Mumbai, Chennai
CAO, DCW/Pallala, COFMOW/New Delhi
DG, RDSO/Lucknow.

Sub: - Rightsizing Indian Railways

Para 3.0 of Board's letter No E(MPP)2000/1/11 dated 31.12.2001 is reproduced below.

The position has since been reviewed. It is clarified that annual fresh recruitment should be decided for the entire group of departments, viz. Civil, Mechanical, Transportation and Commercial Departments put together as a whole. For this group of departments, the numbers to be inducted for each department is to be decided by the DRM for his Division or the General Manager for his Zone, depending upon the ground position obtaining in that Division/Zonal Railway for each of those departments in respect to workload, yard stocks, surpluses, etc.

For all other remaining departments, for which the percentage of annual intake up to a maximum of 0.5% per annum has been permitted, the limit shall be for this group of departments as a whole and not for individual departments. The intake for individual department shall be decided by the DRMG/ taking into account the ground position on that Division/Zonal Railway as brought out above.

may be read as under:

It is clarified that fresh recruitment be limited to 1/3rd of the retirements (normal and voluntary) in the Railway/PU.

As regards attrition due to death, medically incapacitated, since compassionate ground appointment is generally given on 1.1 basis, in such cases they need not be counted as part of the normal attrition for calculation of 1/3rd for which recruitment is permitted as above.

General Managers have the flexibility to decide the categories for recruitment. However, 1/3rd of induction will be for Group 'C' and 'D' taken together.

All other terms and conditions of the above quoted letter remain the same.

Hindi Version will follow.

Certified to be true Copy

P. Ananth
(P. Ananth)
Joint Director(MPP)
Railway Board

Wepure
Advocate

ANNEXURE- 4

NORTHEAST FRONTIER RAILWAY

Office of the
Dy. Chief Engineer/Br/Line
Mallgaon, Guwahati - 11

No. EW/261/1 Pt-IV

Date: 2-11-2006

1. Tapan Chandra Dey,
S/o Shri Munindra Kr. Dey,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
2. Md. Abdul Rahim Khan,
S/o Late Md. Ranjan Khan,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
3. Shri Kanaiya Goswami,
S/o Shri Bali Narayan Goswami,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
4. Shri Kripa Sankar Tewari,
S/o Late Boli Ram Tewari,
P.O: Towbhanga, Vill: Nabill
Tezpur, Dist: Sonitpur,
Assam.
5. Shri Ram Pratap Bharati,
S/o Late Satya Narayan Bharati,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
6. Shri Biswanath Mandal,
S/o Lakhon Mandal,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
7. Md. San Mahamad Ali,
S/o Late Nazer Ali,
Vill: Aglathuri,
P.O: Dadara, P.S: Hajo,
Dist: Kamrup, Assam.

Contd..P/2

Certified to be true Copy

Advocate
Advocate

-2-

8. Shri Phatik Chowdhury,
S/o Abhul Haque Chowdhury,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
9. Shri Sajal Dhar,
S/o Shri Matilal Dhar,
Village & P.O: Rangapara
P.S: Rangapara,
Dist: Sonitpur, Assam.
10. Md. Tayab Ali,
S/o Late Kudrat Ali,
Village & P.O: Kaniha
P.S: Rangia,
Dist: Kamrup, Assam.
11. Shri Subhas Sarkar,
S/o Shri Sudhir Sarkar,
Village: Narendra Palli, Rangapara,
P.O & P.S: Rangapara,
Dist: Sonitpur, Assam.
12. Shri Gautham Sarkar,
S/o Late Shasi Bhusan Sarkar,
Village: Namarigaoni,
P.O & P.S: Rangapara,
Dist: Sonitpur, Assam.

.....Applicants.

Sub:- Speaking order in compliance with Hon'ble CAT/Guwahati's order dt. 29-3-2006 in OA No. 21/2006 Sri Tapan Chandra Dey & 11 Ors -Vs- UOI & Ors.

Ref:- Representation dt. 06-4-2006 submitted by Sri Tapan Chandra Dey & 11 Ors (Applicants of OA No. 21/2006 in CAT/GHY).

The competent authority in compliance with the above order has passed the speaking order as under:-

"Hon'ble CAT/Guwahati vide their above order have directed the Respondent No.3 or any other Competent Authority to consider the representation for which the applicants are at liberty to file a comprehensive representation alongwith the documents.

The Applicants have submitted their joint representation dtd. 06-4-2006.

Undersigned is duty bound to honour and comply with the order of judiciary. Accordingly the case has been examined in details and after due consideration the following order has been passed:-

Contd..P/3

The applicants in their representation have claimed that they had worked as casual labour in the N.E. Railways in the deptt. of Bridge Line since 1975-1984 in different occasions and have worked more than 120 days. Also they have claimed that they had submitted representation for regularization of their services before 31-3-1987 as per scheme of Railway Authority. According to them some of their representations submitted before 31-3-1987 were misplaced and again they had submitted in the month of April 1987 as per advise by the Bridge Line Inspector/Rangapara. Now they have claimed for absorption in the Gr-'D' category as per Rly Bd's letter dt. 04-3-1987.

Hon'ble CAT/GHY while disposing of the OA No.21/2006 vide their order dt. 29-3-2006 had mentioned that the learned counsel for the applicant have already annexed some documents with the OA to show that they have preferred their claim well before the cut-off-date i.e. 31-3-1987 and that fact has not been considered by the respondents without application of mind.

From the above Para's it is understood that the issue involved is, whether Rly Bd's letter dt. 04-3-1987 has been complied with in case of the applicants. From the OA and representation dt. 06-4-2006 submitted by the applicants and from the submission of their learned counsel it is understood that the applicants are aware that the cut-off-date for submitting representation for absorption of ex-casual labour in the Railways were 31-3-1987, as per Rly Bd's letter dt. 04-3-1987. Now the question is that whether they had submitted representations for absorption before 31-3-1987. Previously also their appeal were turned down on the ground that they did not submit the representations within 31-3-1987. The whole issue has been re-examined in compliance with Hon'ble CAT/GHY's above order. For the sake of fair play and justice a committee comprising of 3 responsible officers were constituted to ascertain whether they had submitted their representations before 31-3-1987. The committee extended them opportunity to submit documents in support of their claims, that actually they had submitted their applications before the cut-off-date i.e. 31-3-1987. The committee also checked the supplementary casual labour register of Dy.CE/Br/Line office. From the document annexed with the OA it is seen that in cases of 6 applicants the date of applications are before 31-3-1987 and in cases of rest the date of application were after 31-3-1987. It is to be mentioned here that the dates mentioned in the applications are written by the applicants themselves. Also they could not produce any document to prove that the applications were submitted before 31-3-1987. The Committee also checked the supplementary casual labour register and it was found that 3 applicants names Sri Kannana Goswami, Sri Ram Pratap Bharati & Sri Subhas Sarkar are not available in the supplementary casual labour register. In Other c/s, the applications were received by Dy.CE/Br/Line's office on 21-4-1987. It is pertinent to mention that 2 of the applicants did not turn-up to present their case on the date of documents verification. They are Sri Kannana Goswami & Sri Ram Pratap Bharati.

In view of the above it is concluded that neither from the documents submitted by the applicants, nor from the documents available with the Railways it could be proved that they had submitted their appeal for regularization in the Railways before the cut-off-date i.e. 31-3-1987, which is the norms decided by the Rly Bd. And therefore after due consideration it is held that the cases of the applicants do not have merit for regularization in the Rlys as per Rly Bd's order dt. 04-3-1987. Hence, the representation dt. 06-4-2006 is disposed of. This is in compliance of Hon'ble CAT/Guwahati order dt. 21-3-06.

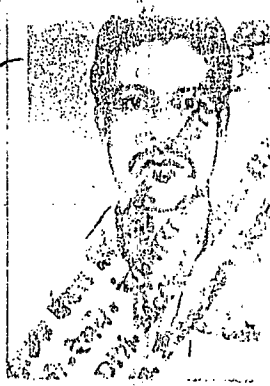
This is for your information please.

Assistant Bridge Engineer

1 Month 12 days

- 24 -

ANNEXURE - 5



12-3-87
12-3-87

EE/BR/MLG.

Through : BRI/RPAN, N.F.Rly.

Sub: Application for the post.

As per General Manager(P) N.F.Rly. MLG's letter No. E/57/0/
Pt. XI(C) dt. 13.3.87. I would like to submit the application for
appointment.

I have furnished the following documents for your kind consider-
ation please.

1. Name :- *Sri Jayanarayana*
2. Father's Name :- *Mr. Narayana Rao*
3. Date of birth :- *2.7.59*
4. Permanent Address :- *Hy. Sec. Colony, Sec. 1,
P.O. Lingapur,
Dist. Guntur (A.P.)*
5. Present Address :- *Do.*
6. Educational qualification :- *Graduate (B.A.)*
7. Personal marks of identification :- *Red mark on the right eye.*
8. Office, department & place :- *Secy. Sec. 1, Sec. 1, Sec. 1*
in which initially engaged.
9. Office, department & place :- *Secy. Sec. 1, Sec. 1, Sec. 1*
from which finally discharged.
10. Date of discharged and reasons :- *19.3.87. Reason: Retiring W.O.*
for the same.
11. Whether employed at present, and :- *NO*
if so, details.
12. Two-attested copies of Casual Labour :- *One copy of Casual*
Card or any other proof of his Casual Labour Service, should accompany the application. *Labour Card is attached herewith.*
13. At attested copy of photograph and :- *One copy of photograph is*
attested L.T.I. should also accompany the application. *attached herewith.*
14. Any other relevant information :- *None*

Petition no 1
A1

Forwarded for
disposal please.

Yours faithfully,
Sri Jayanarayana

Certified to be true Copy

Advocate
Advocate

Inspector
BRI/RPAN

ANNEXURE-6

- 25 -

The Deputy Chief Engineer,
IV/1/MG. N.D. Idy.



Through : BRI/RPAN.

Respected Sir,
I beg to lay before you the following facts for favour of kind consideration please.

That sir, I appeared in the screening test in 1979 from BRI/RPAN's unit. The actual period for which I was engaged in different places are noted below :-

| | | |
|------------------------|----------------------------|--------|
| From 28/1/76 to 6/3/76 | Painting of bridge girders | 6/3/76 |
| From 11/3/76 to 5/5/76 | NLP-MZS section. | |

Further in 1982 to 83 I worked under BRI/CPJ/BC/Deptt./NBQ the period of which are given below :-

| | | |
|--------------------------|-------------------------------|----------|
| From 29/12/82 to 15/9/83 | Rebuilding of I.R. No. work | 15/9/83. |
| | at GOM Bdn. RPAN-NLP section. | |

For the facts stated above I shall be grateful to you if you kindly recast my seniority position and arrange my posting against any Class-IV category for which act of kindness, I shall ever be grateful to you.

Yours faithfully,

[Handwritten signature]
16/5

A T J of Abdul Rahim
16/5/83

(A-2)

Certified to be true Copy

[Handwritten signature]
Advocate

BR/MLG.

ugh : BRI/RPAN, N.F.Rly.

Dt: 12.4.87...

b : Application for the post.

As per General Manager (P) N.F.Rly. MLG's letter No. E/57/0/ PE.XI(C) dt. 13.3.87. I would like to submit the application for appointment.

I have furnished the following documents for your kind consideration.

1. Name :- *Md. San Mahomed Ali*
2. Father's Name :- *Md. Musvi Ali*
3. Date of birth :- *27.4.64*
4. Permanent Address :- *11 Rly. sec colony (Soc. Sec. Ringpora, Jammu)*
5. Present Address :- *do*
6. Educational qualification :- *None*
7. Personal marks of identification :- *Small scar mark on right leg.*
8. Office, department & place :- *Bar office (Soc. Sec. Ringpora)*
in which initially engaged.
9. Office, department & place :- *do*
from which finally discharged.
10. Date of discharge and reasons :- *do*
for the same.
11. Whether employed at present, and :- *NO*
if so, details.
12. The attested copies of Casual Labour Card or any other proof of his Casual Labour Service, should accompany the application. :- *Two copies of Certificate attached herewith.*
13. An attested copy of photograph and attested L.T.I. should also accompany the application. :- *A copy of photograph is attached herewith.*
14. Any other relevant information. :- *Nil*

Yours faithfully,

S. M. Ali

B. d. Inspection
N. F. Rly. / RPAN

Certified to be true Copy

W. S. S. S.
Advocate

The Dy. Commr, Ballari, P.E. Dist.

Date: 15/2/87

Through: Ballari/Jangh and North.

Sir,

I have the honour to state the following lines for your kind consideration and favourable order please.

That Sir, I was at home at the time of morning at the time of my father attack with heart disease.

So, you are requested to call me for next morning tent considering the cause mentioned above and save me from starving in this hard days for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,
Bishwa Nath Mandal
(Bishwanath Mandal)

RECORD OF SERVICE
J.S. CASE NO. 11007

Name :- Bishwanath Mandal
Father's name :- Lakshar Mandal
Scheduled Caste or not :- Scheduled Caste.
Date of appointment :- 10.1.70



| From | To | Description of work | Date of discharge |
|---------|---------|--|-------------------|
| 10.1.70 | 25.1.70 | Painting of Pr. No. 203 (Ranga) and Pr. No. 240 | 26.1.70 (16) |
| 25.1.70 | 29.3.70 | (Chikranga) in K.P.-Pr. No. Station. | 21.3.70 (51) |
| 25.3.70 | 22.5.70 | Rebuilding of Pr. No. 114, 125 142 & 145 between P.Y.-Pr. No. Station. | 22.5.70 (59) |
| 22.5.70 | 15.4.80 | Rebuilding of Pr. No. 114, 125 between P.Y.-Pr. No. Station. | 15.4.80 (135) |
| 15.4.80 | 15.1.84 | Rebuilding of Pr. No. 114, 125 between P.Y.-Pr. No. Station. | 16.4.84 (483) |
| 15.1.84 | | Rebuilding of Pr. No. 114, 125 between P.Y.-Pr. No. Station. | 15.1.84 (483) |

certified only
15.1.87

Signature of designation of subordinate
Bishwanath Mandal - 15.1.87

Certified to be true Copy
W. S. Purge
Advocate

/BR/MLG.


 Dt. 12.3.87
 12-3-87

BRI/RPAN, D.F.Rly.

Application for the post.

As per General Manager (P) H.F.Rly. MLG's letter No. E/57/0/PT XI(C) dt. 13.3.87 I would like to submit the application for appointment.

I have furnished the following documents for your kind consideration please.

1. Name :- *Kripa Shankar Sharma*
2. Father's Name :- *Bhadrachari Sharma*
3. Date of birth :- *1.12.60*
4. Present address :- *Vill. Deorai, Nihal P.O. Nihal, Dist. Jodhpur (Raj.)*
5. Present Address :- *NIL*
6. Educational qualification :- *NIL*
7. Personal marks of identification :- *1" scar on the head.*
8. Office, department & place :- *Dist. Jodhpur (Sgt. Bn)*
by which initially engaged. *17.1.75 to 15.5.75*
9. Office, department & place :- *NIL*
from which finally discharged.
10. Date of discharged and reasons :- *17.5.75 Disch. for the same.*
family work.
11. Whether employed at present, and if so, details. *NIL*
12. Two attested copies of Casual Labour Card or any other proof of his Casual Labour Service, should accompany the application. *Two copy Casual Labour Card is attached herewith.*
13. An attested copy of photograph and attested L.P.I. should also accompany the application. *One copy photograph is attached herewith.*
14. Any other relevant information *NIL*

Yours faithfully,

श्री कृपाशंकर शर्मा

Certified to be true Copy

Advocate
 Advocate

 Inspector
 H.F. Rly. / RPAN

DY.CE/BR/MLG.
F.Rly.



Through : BRI/RPAN, N.F.Rly.

Dt: 11.4.87

Sub : Application for the post.

As per General Manager(P) N.F.Rly.MLG's letter No. E/57/0/
Pt.XI(C) dt. 13.3.87 .I would like to submit the application for
appointment.

I have furnished the following documents for your kind consider-
ation please.

1. Name :- *Sajal Kumar Dhar*
2. Father's Name :- *S. M. Ch. Lal Dhar*
3. Date of birth :- *6.3.64*
4. Permanent Address :- *10 PM, 2000 Colony, R.P.N.*
P.O. Rengapora, Serdipuri
5. Present Address :- *DO -*
6. Educational qualification :- *NIL*
7. Personal marks of identification :- *1" tat mark on the face.*
8. Office, department & place :- *SSE/BR/RPN (Engg. Bk)*
in which initially engaged.
9. Office, department & place :- *SSE/BR/RPN (Engg. Bk)*
from which finally discharged.
10. Date of discharged and reasons :- *8.1.82*
for the same. *15.5.82*
11. Whether employed at present, and :- *Completion of Printing*
if so, details. *work.*
12. ~~The~~ attested copies of Casual Labour :- *One copy of casual*
Card or any other proof of his Casual *10 hours certificate is*
Labour Service, should accompany the *attached herewith.*
application.
13. At attested copy of photograph and :- *One copy photograph is*
attested L.T.I. should also *attached herewith.*
accompany the application.
14. Any other relevant information :- *NIL*

*Forwarded for
disposal please.*

*Bridge Inspector
N. P. Rly. / RPAN*

Yours faithfully,

Sajal Dhar

Certified to be true Copy

Wspungari
Advocate

W. CE/BR/MLG.
Rly.

Through: BRL/RPAN, N. F. Rly.

Dt: 12.4.87....

Sub: Application for the post.

As per General Manager (P) N. F. Rly. MLG's letter No. E/57/0/
PL XI(C) Dt. 13.3.87. I would like to submit the application for
appointment.

I have furnished the following documents for your kind consider-
ation please.

1. Name :- *M. S. Nayab Ali*
2. Father's Name :- *H. Abdul Ali*
3. Date of birth :- *11.11.57*
4. Permanent address :- *Vill. etc. Padipara upar Bara
P.O. Rangapara, Sonitpur (Assam)*
5. Present Address :- *1st BSA office, 1st N. F. Rly.
P.O. Rangapara, Sonitpur (Assam)*
6. Educational qualification :- *NIL*
7. Personal marks of identification :- *1" cut scar on the left cheek.*
8. Office, department & place :- *BSA office, 1st N. F. Rly. Rangapara,
in which initially engaged.*
9. Office, department & place :- *NIL*
from which finally discharged.
10. Date of discharged and reasons :- *7.1.78 & 5.3.78, 15.5.82*
for the same.
11. Whether employed at present, and :- *NIL*
if so, details.
12. Two attested copies of Casual Labour :- *Two copy of CL Certificate
Card or any other proof of his Casual
Labour Service, should accompany the
application.*
13. At attested copy of photograph and :- *A copy of photograph is
attested L.T.I. should also
accompany the application.*
14. Any other relevant information :- *NIL*

Forwarded for
disposal please.

B. D. Inspector
N. F. Rly. / RPAN

Yours faithfully,

ଅ. ବ. ବ. ବ. ବ. ବ.

Certified to be true Copy

Advocate

The DY. CE/RR/L/MLG.
N. F. Rly.

Through : BRI/RPAN, N. F. Rly.

Sub :- Application for the post

As per General Manager (P. N. F. Rly. MLC's letter No. B/57/0/
Pt. XV(C) dt. 13.3.87 I would like to submit the application for
appointment.

I have furnished the following documents for your kind
consideration please.

1. Name :- **SRI FATIK CHOWDHURY**
2. Father's name :- **Late Abdul Haque Chowdhury.**
3. Date of birth :- **29.1.59.**
4. Permanent address :- **Sri Fatik Chowdhury,
Ward No 4, Rangapara Jdm.
P.O. Rangapara,
Dist. Serampur.**
5. Present address :- **- do -**
6. Educational qualification :- **Read up to Class VIII.**
7. Personal marks of identification :- **About 1" cut-wound on
Right-leg.**
8. Office, department & place :- **BRI office, Engrg (Br) Rangapara**
in which initially engaged.
9. Office, department & place :- **BRI office, Engrg (Br) Rangapara**
from which finally discharged.
10. Date of discharged and reasons :- **27.3.878. Due to
completion of painting
work.**
for the same.
11. Whether employed at present, and :- **NIL**
if so, details.
12. Two attested copies of Casual Labour :- **Two Copies of Casual
Card or any other proof of his
Casual Labour Service, should
accompany the application.**
**Labour Card is attested
here with.**
13. At attested copy of photograph and :- **One Copy of photograph
is attested here with.**
accompany the application.
14. Any other relevant information :- **NIL**

Certified to be

My
Advocate

Yours faithfully,

Pratibha Chowdhury

Certified to be true Copy

W. S. Prasad
Advocate

8/7/07 = 1 AUG 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

O A 75/07

O.A. No. 276 / 2006

Shri Tapan Ch. Dey & Ors.

-Versus-

UOI & Ors.

Sanjiv Kant Sahana

Written statement on behalf of the Respondents .

1. That the respondents have gone through the O.A. and understood the contents thereof.

2. That before replying to the statements made in the O.A. respondents beg to state that Railway Board took a policy decision to absorb all the ex casual labourers who served more than 120 days continuous or broken and whose names appeared in casual live register or supplementary casual labour registrar in Railways as per Railway Board letter No. E/NG/II-78/CL/2 dated 4.3.87 circulated by GM (P) MLG's letter No. E/57/0 pt. XI (C) dated 13/3/1987. In pursuance with the above letters all the screened casual labourers were asked to apply by 31/3/1987 for consideration of their case to the competent authorities within a stipulated period 31/3/87. Those who submitted their representation after the cut off date could not be considered for regularisation.

For K. L. Dey & Ors.
Sanjiv Kant Sahana

3. That the matter of their employment relates to very old period and the records of that period are also not available. The application is barred by limitation. It is stated that the applicants earlier filed O.A. No. 77/05 which was dismissed on the ground of limitation. The applicant approached Hon'ble High Court against the order Hon'ble Tribunal in O.A. No. 77/05 and the Hon'ble High Court by an order dated 22/07/05 in WP (c) 5188/2005 was pleased to dismiss the writ petition of the applicants. The dismissal was however not a bar for the respondents to consider the representation of the applicants. The applicants however suppressed the material fact of dismissal by the Hon'ble High Court in this O.A.

Copy of the order dated 22/07/2005 in wp (c)

No. 5188/2005 is enclosed as Annexure R.I

50
Jemini Kanta Saha

4. That in reply to statements in para 3 of the application it is stated that the statement is not correct as per the Administrative Tribunal Act- 1985 and the O.A. is barred by limitation.

5. That in reply to statements in para 4 (i) (ii) (iii), (iv) (v) (vi) (vii) and (viii) it is stated that the statements of the applicants are not correct. For the purpose of giving them reasonable opportunity a special committee was formed consisting of three responsible officers. The applicants couldn't produce any documents showing that they had worked in the period mentioned by them nor they could produce any document showing that they had submitted representation within the prescribed time. From the Annexures of the O.A. 21/06 it was found that the dated of six applicants were before 31/3/87 but they couldnot produce any documents that these were submitted to the Railway office by the cut off date. Photo copy of the remarks purportedly with a signature and stamp don't indicate that these were actually submitted to the office by the cut of date as required under the circular. Moreover the authenticity of such stamp and signature which too are without any date could not also be proved. Name of the inspector is also not indicated. During the inspection by the committee the applicants fail to prove the genuiness of the endorsement of the so called application, and at this distant date it is not possible for the railways to locate such documents. Moreover after comming of the A.T. Act-1985 if the responents had any real cause of action they had to approch the Hon'ble Tribunal within period of limitation. It is also stated that many of the applicants has been stated to be served in the year 1977,78 and 1982. It is reiterated that the application is barred by limitation.

5. Under the facts and circumstances of the case of O.A. deserve to be dismissed with cost.

VERIFICATION

I, Jamini Kanta Sahana aged about 57 years, Son of
Late P. C. Sahana working as Dy. CE/ML do hereby
verify that statements made in para 1 to 5 are true to my knowledge and
belief and I have not suppressed any material facts.

AND I sign this verification on this Nineteenth day of June, 2007 at
Maligaon.

Date: 19.6.2007

Place: Maligaon

Jamini Kanta Sahana
Signature
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:

File in Court on.....

O.A. No. 75 / 2007

Court Officer.

Sri Tapan Ch. Dey & Others

Applicant(S)

-VS-

Union of India & Others

- Respondant(S)

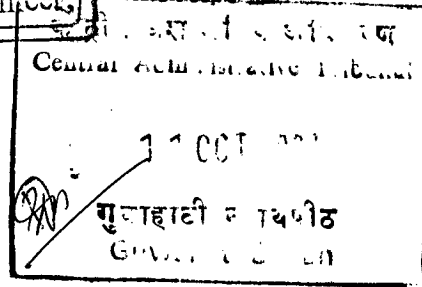
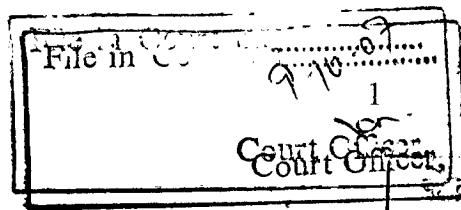
I N D E X

| <u>Sl. No.</u> | <u>Date</u> | <u>Particulars</u> | <u>Page No.</u> |
|----------------|-------------|--------------------|-----------------|
| 1. | | Rejoinder | 1 - 3 |
| 2. | | Varification | 3A |
| 3. | 16.6.2006 | Annexure 13 | 4-- |
| 4. | 16.6.2006 | Annexure 13A | 5 |
| 5. | 18.6.2006 | Annexure 14 | 6. |

Filed By

Miss Abhika Boruah

Advocate/(Clerk)



Filed by:-
Sri. Phatik Choudhury
Through..... Pandana Deekha

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 75/07

Shri Tapan Chandra Dey & Ors.

-VS-

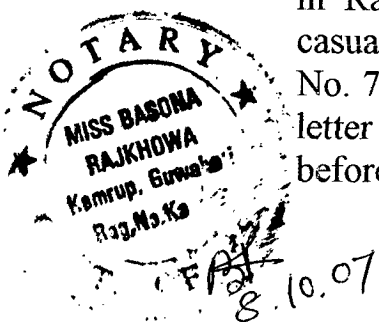
UOI & Ors.

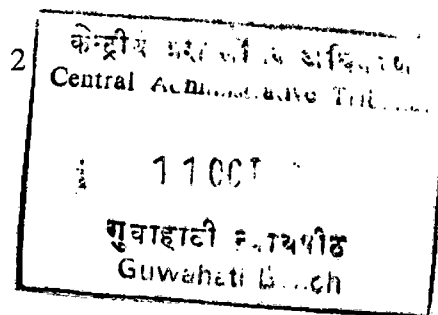
IN THE MATTER OF

Affidavit- in – reply against the
W.S. filed by the Respondents.

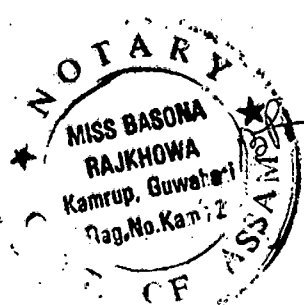
I, Shri Phatik Choudhury, S/O Late Abdul Haque Choudhury aged about 46 years resident of village and P.O. Kangapara. Dist.- Sonitpur, Assam do hereby solemnly affirm and declare as follows.

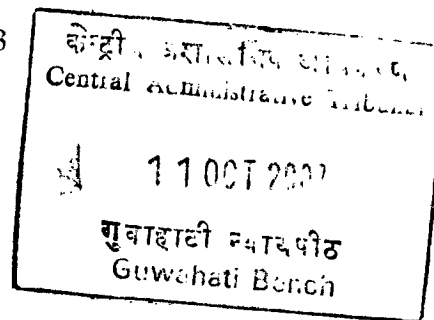
1. That, I am one of the applicant in the present O.A. No. 75/07 and as such I am well acquainted with the facts and circumstances of the case.. As authorized by other applicants I am competent to swear this affidavit on behalf of myself and on behalf of other applicants also.
2. That save and except the statement made in the written statement, in short W.S., submitted by the Railway Authority, which are specifically admitted, the rests are deemed to have been denied.
3. That with regard to the statement made in paragraph 1 to the W.S.. the deponent has no comment.
4. That with regard to the statement made in paragraph 2 to the W.S., the deponent begs to state that as per the Railway Board's own letters and notifications the ex-casual labourers who have already completed 120 days as casual labourers, they are entitled to be regularized. All the applicants have completed more than 120 days and their names are in the casual-live -register or supplementary- casual -labour- register in Railway Department. The applicants got their serial no. in the casual-labour register which has already been mentioned in the O.A. No. 75/07. Pursuant to the policy decision of the Railway Board vide letter dtd. 13-3-1987, they have submitted their application on or before 31-3-1987.





5. That with regard to the statement made in paragraph 3 to the W.S. , the deponent denies the same and in this connection the deponent begs to state that once the Hon'ble High Court has allowed to consider their representation, the question of limitation does not arise, the Hon'ble High Court has taken cognizance of the case and directed the respondents to represent their prayer.
6. That with regard to the statement made in paragraph 4 to the W.S. the deponent denies the same.
7. That with regard to the statement made in paragraph 5 to the W.S. the deponent denies the same and in this connection the deponent begs to state that as per direction of the order dt. 29.03.06 passed by this Hon'ble Tribunal in O.A. no. 21/06 the respondent Railway Authority asked the applicants vide letters dt. 16.06.06 to submit documents lying with them in support of their claim and engagement as casual labourer in bridge organization within 10 days from the date of receipt of the letter. Thereafter again vide notice dt. 18.06.06 the respondents Railway Board asked the applicants to submit certain particular documents as mentioned in annexure 1 to the letter dt. 18.06.06. The aforesaid letters and notice were received by the applicants on 23.06.06 and 28.06.06 etc. Thereafter the applicants immediately appeared before Shri Debnath, an official of Railway and submitted relevant documents, 3 copies of photos , character certificates, town Committee Certificates, Gaon panchyat certificates and birth certificates etc., as required by the notice dt. 18-06-06. The Railway Authority assured the applicants to appoint them after three days. The applicants submitted photocopies of the applications which were submitted before the Railway Authority earlier on or before cut of date 31.03.07. In the aforesaid applications date and signature of the applicants and also the signature of Bridge Inspector N.F. Railway who acknowledged the receipt of the applications, were very much available there. The Railway authority while passing the speaking order on 2.11.06 pursuant to order dt. 29.03 .06 passed by this Hon'ble Tribunal in O.A. NO. 21/06, it has been admitted that 6 applicants were found to have submitted applications before 31.03.1987. Hence the question of failure to prove the genuineness of the endorsement of the application doesn't arise.





It is pertinent to mention herein that the names of the applicants who have rendered services more then 120 days are found in the casual – live –register/ supplementary- casual labour register in the Railway department . And the serial nos. of the applicants of the aforesaid registers have already been mentioned in the application of this case. As per the Railway notification/circular the applicants are entitled to be absorbed in the GroupD post as they are qualified as per notifications of the Railway Board.

Copies of Letter dt. 16-06-06 and notice dt. 18-06-06 are annexed and marked as ANNEXURES 13^{13A} and 14 respectively.

8. That the statements made in paragraphs 1, 2, 3, 4, 5, 6 are true to my knowledge those made in paragraphs 7 being matter of records are true to my information derived there from which I believe to be true, and the rest are my humble submission before this Hon'ble Tribunal and I sign this affidavit on... 8...th day of October, 2007.

Identified by me

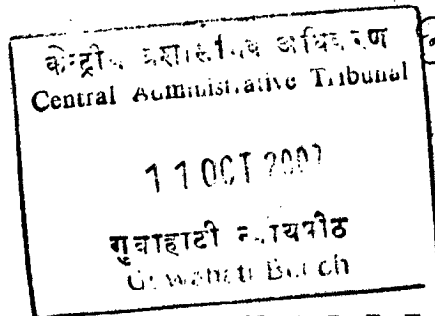
Sahendra Das
Advocates' Clerk

8/10/07

Pratik Chowdhury

Deponent



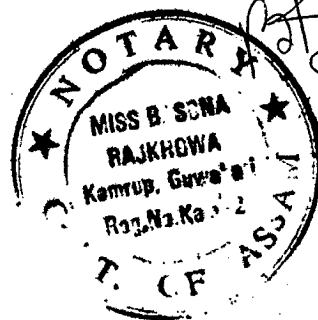


VERIFICATION

I, Shri Phatik Choudhury Son of Late Abdul Hoque Choudhury, aged about 46 years, resident of Village and P.O. Kangapara, Dist. Sonitpur, Assam, do hereby solemnly affirm and verify the statements made in paragraphs 1.2.3.4.5.6. of the enclosed affidavit-in-reply are true to my knowledge and those made in paragraphs 7 _____ being matter of records are true to my information which I believe to be true. And I have not suppressed any material facts in this case.

And I sign this verification on this the 8th day of October, 2007 at Guwahati.

Phatik choudhury
Signature.



N.F. Railway

Regd. With A/D

Office of the
Dy.CE/Bridge-Line
Maligaon, Guwahati-11.

No.EW/261/1 Pt.IV

June 16, 2006

To,
Mr. Tayab Ali
S/O Late Kudrat Ali
Vill & P.O:- Kaniha
P.S:- Rangia
Dist:- Kamrup, Assam.

Sub:- Submission of documents rendering of services
as ex-casual labour.

Ref:- Your application dated. 6-4-06.

With reference to your application dated 6-4-06, you
are requested to submit any further documents lying with you in
support of claiming engagement as casual labour in Bridge
Organisation within 10(Ten) days from the date of receipt of this
letter.

Ray
16/6
/ Dy.CE/Bridge-Line

*Certified to be true
copy
B. Deka
Advocate*

N.F. Railway

Regd. With A/D

Office of the
Dy.CE/Bridge-Line
Maligaon, Guwahati-11.

No.EW/261/1 Pt.IV

June 16, 2006

To,
Sri Phatik Chowdhury
S/O Abdul Haque Chowdhury
Vill & P.O:- Rangapara
P.S:- Rangapara
Dist:- Sonitpur, Assam.

Sub:- Submission of documents rendering of services
as ex-casual labour.

Ref:- Your application dated. 6-4-06.

With reference to your application dated 6-4-06, you are requested to submit any further documents lying with you in support of claiming engagement as casual labour in Bridge Organisation within 10(Ten) days from the date of receipt of this letter.

[Signature]
/ Dy.CE/Bridge-Line

*Certified to be true
copy*
B. Deka
Advocate

-6-
NOTICE

Annexure - 14

Office of the
Dy.CE/BR/Line/MLG
N.F.Railway
Dated: -18-06-06

As per judgement of the Hon'ble court and directives of GM(P)/MLG, the instructions were issued to the following candidates to submit the documents in support of their claim of engagement as casual labour vide this office letter of even number dated 16-6-06.. Further, the particulars, as mentioned in Annexure-I are also required to be submitted by the all candidates within twenty days for further necessary action.

| Sn | Name | Father's Name |
|-----|-------------------------------|-----------------------|
| 1. | Sri Tapan Ch. Dey. ✓ A1 | Monindra Kr. Dey. |
| 2. | Md. Abdul Rahim Khan. ✓ A2 | Md. Ramjan Khan. |
| 3. | Sri Kripa Sankar Tewari. ✓ A3 | Bali Ram Tewari. |
| 4. | Sri Biswanath Mondal. ✓ A4 | Lakhan Mondal. |
| 5. | Md. San Mohammad Ali. | Nashir Ali. |
| 6. | Md. Phatik Chowdury. | Abdul Haque Chowdury. |
| 7. | Sri Sajal Dhar. | Motilal Dhar. |
| 8. | Md. Tayab Ali. | Kudrat Ali. |
| 9. | Sri Subhas Sarkar. | Sudhir Sarkar. |
| 10. | Sri Gautam Sarkar. | Sashi Bhusan Sarkar. |

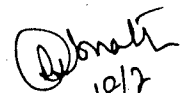
7-6-2005
SA 77/05
21/06
WSP. (C) 5188/05

But no response form the following Ex-Casual Labours were received

| Sn | Name | Father's Name |
|----|-------------------------|------------------------|
| 1. | Sri Kanaya Goswami. | Bali Narayan Goswami. |
| 2. | Sri Ram Pratap Bharati. | Satya Narayan Bharati. |

The above mentioned two Ex-Casual Labours, are therefore requested to appear before committee within twenty days from date of issue of the notice for further necessary action as last chance, failing which it will be presumed that they are not interested to verify their genuineness as ex-casual labours. Accordingly their cases will neither be entertained nor considered in future.

DA. - As above.


18/7
ABE/Central/MLG
For Dy.CE/Bridge/Line/MLG

No.EW/261/1 Pt-IV

Dated:- 18-6-06

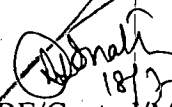
Copy Forwarded to: - SSE/BR/RPAN & OS/EW- for information please. They are advised to paste this notice on their Office Notice Board for information of the above mentioned ex-casual labours and for their further necessary action as asked for.

ABE/Central/MLG
For Dy.CE/Bridge/Line/MLG

Certified to be true
copy
B. Deeka
Advocate

The specified Ex-Casual Labours are required to submit the following particulars and documents to Dy.CE/Br/Line/MLG.

1. Name:-
2. Father's Name:-
3. Date of Birth:-
4. Permanent Address:-
5. Present Address:-
6. Educational Qualification:-
7. Personal Marks of Identification:-
8. Office, Department & Place in which initial engaged and date:-
9. Office, Department & Place in which finally discharged:-
10. Date of discharge and reason for the same:-
11. Whether employed at present, and if so, details:-
12. Two attested copies of casual labour card or any other proof of his casual labour service:-
13. Attested copy of Photograph and attested LTI:-
14. Character Certificate issued by a Gazetted Officer:-
15. Certificate of Identification issued by Gram Panchayat/Sarpanch/Mukhiya:-


ABE/Central/MLG
For Dy.CE/Bridge/Line/MLG

| | | | | | | |
|-----------------------------|--|---|---------|---------|---------|---------|
| Application for the copy | सामग्री खरीदने के लिए निविदा तारीख Date fixed for notifying the requisite number of stamps and folios. | देने की तारीख Date of delivery of the requisite stamps and folios. | 1/7/05 | 1/7/05 | 1/7/05 | 1/7/05 |
| 1/7/05 | 25/7/05 | 25/7/05 | 26/7/05 | 26/7/05 | 26/7/05 | 26/7/05 |

Mizoram & Arunachal Pradesh

CIVIL APPELLATE SIDE

ANN-14 (1)

~~Appeal from:~~

~~Crut Rule~~

 $\omega p(e)$

No. 5188 of 2005

Ap elant

Pe tionei

Sri Phalik Chowdhury 2012

Verona

Remission of India 2015

Repondent

Opposite Page

Appellant Mr. T. C. Chandra

Petitioner M.S. M. ehowedhan

Mrs. N. Nath

Respondent: M S. L. Soukha

Opposite Party

S.E. NIF. Railway-

| Noting by Officer or Advocate | Serial No. | Date | Office notes, re- quests, orders or proceeding signature |
|----------------------------------|---------------|------|--|
| 1 | 2 | 3 | 4 |
| | | | |

-And-

IN THE MATTER OF :

1. ✓ Shri Phatik Choudhury,
Son of Abdul Haque Choudhury,
Village & P.O. Rangapara,
District Sonitpur (Assam).
2. Shri Biswanath Mandal,
Son of Lakhon Mandal,
Village & P.O. Rangapara,
P.S. Rangapara, Dist. Sonitpur,
(Assam)
3. Md. Abdul Rahim Khan,
Son of Late Md. Ranjan Khan,
Village & P.O. Rangapara,
P.S. Rangapara, Dist. Sonitpur,
(Assam)
4. Md. Tayab Ali, Son of late Kudrat
Ali, Vill. Kaniha, P.O. Kaniha,
P.S. Rangia, District Kamrup.

contd..5

gn 56

(3)

- 5 -

5. Shri Subhas Sarkar,
Son of Shri Sudhir Sarkar,
Village-Warendra Palli, Rangapara,
P.O. & P.S. Rangapara,
District -Sonitpur (Assam)
6. Tapan Chandra Dey,
Son of Shri Manindra Kr.Dey,
Vill. & P.O. Rangapara,
P.S. Rangapara, Dist. Sonitpur,
(Assam).
7. Shri Kripa Sankar Tewari
son of Late Noli Ram Tewari
P.O. Towbhanga, Vill. Nabill,
Tezpur, Dist. Sonitpur, (Assam)
8. Shri Gautam Sarkar,
Son of late Shasi Bhusan Sarkar,
Vill. Namanigaon, P.O. & P.S.
Rangapara, Dist. Sonitpur, (Assam)
9. Shri Ram Pratap Bharati, ✓
Son of late Satya Narayan Bharati,
Vill. & P.O. Rangapara,
P.S. Rangapara, Dist. Sonitpur,
(Assam)

gn - 57 -

(4)

- 6 -

10. Shri Kanaiya Goswami, ✓
Son of Shri Bali Narayan Goswami,
Village & P.O. Rangapara,
P.S. Rangapara, District : Sonitpur,
(Assam)
11. Shri Sajal Dhar,
Son of Shri Matilal Dhar,
Village & P.O. Rangapara,
P.S. Rangapara, District -
Sonitpur, (Assam)
12. Md. San Mahamad Ali,
Son of Late Hazer Ali,
Village Agiathuri, P.O. Dadara,
P.S. Hajo, District-Kamrup,
(Assam).

.. Petitioners.

-Versus-

- ✓ 1. Union of India,
Represented by General Manager,
N.F. Railway, Maligaon,
Guwahati-11.
2. Chief Personnel Officer,
N.F. Railway, Maligaon, Ghy-11.

contd..7

92/ 58-

(5)

- 7 -

3. Deputy Chief Engineer,
Bridge Line N.F. Railway,
Maligaon, Guwahati-11.
4. Inspector,
Bridge Line N.F. Railway,
Rangapara North, Assam.
5. Central Administrative Tribunal
Guwahati Bench,
Bhangagarh, Ghy-5.

Respondents.

7/3

in 59

(6)

| Noting by Officer or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings with signature |
|-------------------------------|------------|------|---|
| 1 | 2 | 3 | 4 |
| | | | <p><u>WP(C) No.5188/2005.</u></p> <p>BEFORE</p> <p>THE HON'BLE THE CHIEF JUSTICE(ACTG.),</p> <p>MR D. BISWAS</p> <p>THE HON'BLE MR JUSTICE P.G. AGARWAL "</p> <p>22.07.05.</p> <p>Heard Mr TC Chutia, learned counsel for the writ petitioners and the learned Standing Counsel for the Respondent Railways.</p> <p>This petition is directed against the order dated 7th June 2005 passed by the learned Central Administrative Tribunal, Guwahati Bench, Guwahati in Misc Petition No.75/2005 arising out of O.A. No.77/2005. The writ petitioners as applicants before the learned Tribunal had prayed for their absorption in Group-D posts in the Railways claiming inter-alia that they, except the applicant-writ petitioner No.3 who was appointed in the year 1976, were appointed as Casual Labourers in the year 1982-83. The petitioners had approached the learned Tribunal in the year 2005 and hence, by the impugned order, it dismissed the O.A. No.77/2005 on the ground that the said Application is barred by limitation under Section 21 of the Central Administrative Tribunal Act.</p> <p>In view of the specific provision under the Act, we find that the learned Tribunal in passing the impugned order has committed no illegality and hence, the petitioners are not</p> |

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| Noting by Officer or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings w'th signature |
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| entitled to get any relief. Accordingly, the petition shall stand dismissed. However, the dismissal of this petition will not be a bar on the part of the Respondent authority to consider the representation, if any, filed by the writ petitioners within a period of six months. | | | |
| No costs. | | | |

sd/- P. G. Agarwal
Judge

sd/- D. Biswas
Chief Justice (Acting)

P/No:- 37348

dtd 25/7/05

CERTIFIED TO BE TRUE COPY
As on the basis of the original
Date 26/7/05
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76 Act 1 1872

26/7