

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA. 1052 of 2011

Date of Order: 14.03.2018.

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Anandamay Chatterjee, son of late Nanda
Dulal Chattejee, aged about 47 years,
Working as casual labour for 120 days
at Baruipur, under PW1, Baruipur, Eastern
Railway, Sealdah Division and residing at
Bolpur Nayakpara, Post Office and Police
Station- Bolpur, District- Birbhum.

.....Applicant.

-versus-

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata-700001.
2. The General Manager, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata-700001.
3. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700 014.
4. The Senior Divisional Engineer (C), Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700014;
5. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700014.
6. The PW1, Baruipur (BRP), Post Office- Baruipur, Eastern Railway, Sealdah Division, District- 24 parganas(South);

.....Respondents.

For the Applicant : Mr. PC Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. PB Mukherjee, Counsel

ORDER

Per Ms. Bidisha Banerjee, Judicial Member:

In this Original Application the applicant has prayed for following reliefs:

“8(a) To quash and/or set aside the impugned speaking order being No. Engg/Court Case/297/SC dated 06.05.2009 issued by the Senior Divisional Personnel Officer, Eastern Railway, Sealdah being Annexure A-7 of this original application;

(b) To pass an appropriate order directing upon the respondent authority to consider the case of the applicant in respect of grant of temporary status for permanent absorption in the Railway Department in terms of the recommendation made by the then PWI, Baruipur, Eastern Railway, Sealdah Division vide letter dated 11.6.1987 wherein it is clearly stated that your applicant's name appeared at Serial No. 88 in the Live Casual Labour Register of the Eastern Railway.

(c) To pass an appropriate order directing upon the respondent authority that in terms of the Railway Board's Circular dated 4.12.1998 and 28th February 2001 the case of the applicant be considered regarding grant of temporary status and absorption in the Railway Department whose name appeared at Serial No. 88 in the Live Casual Labour Register with effect from 1985 and to give all consequential benefits accordingly.”

2. The speaking order has under challenged in the present OA is quoted verbatim herein below:

“ No. Engg/Court Case/297/SC Sealdah, dt. 6.5.2009

SPEAKING ORDER

While disposing OA 816 of 2008 vide its order dt. 11.11.08 the Hon'ble Tribunal has pleased to observed as under:

It is found that a representation at Annex A-4 has been made by the applicant to GM. After hearing the counsel for both the parties and perusal of the pleadings and documents annexed thereto it is held that without going to the merit of the case inclusive of the question of limitation and jurisdiction of this Tribunal the Sr. DPO of E. Rly., Sealdah is required to consider the representation of the applicant mentioned above in accordance with the instructions in the field and communicate a reasoned order to the applicant with 3 month from receipt of the order.

It appears from the representation as at Annex A4 to the OA, issued by

the Advocate of the applicant to the General Manager, E. Rly that the applicant was allegedly working as a casual labour under PWI/Bolpur since 1979. In this context it is intimated that the administrative control of PWI/Bolpur rests with Divisional Railway- Manager/Howrah and not with Divisional Railway Manager/Sealdah and accordingly the undersigned not the proper authority to consider and dispose of the said representation as per jurisdiction. However, since the Hon'ble Tribunal had passed specific direction on the undersigned to consider the representation of the applicant, I have placed reliance to Annex A-3 of the OA wherein the said applicant has claimed to have allegedly worked under SE (PW) BRP from 1985 to 1986, which is under the jurisdiction of DRM/Sealdah.

As per rule, every casual labour is issued with a casual labour card which denotes his span of working as casual labour and contains personal data of the said casual labour. In the instant case the applicant has failed to attach any casual labour card which itself raises a doubt about his alleged working.

Further, the undersigned has checked old relevant registers related to casual labour under SE(PW) BRP (Four Registers in all) and in none, the name of the applicant has been found recorded.

Accordingly, after 22 years of such alleged working, I do not find any records, which substantiate the same, and hence, I do not find any ground, which merits any consideration of the claim as made by the applicant. The claim is thus rejected, and the direction passed by Hon'ble Tribunal is complied with to the best possible extent.



Sr. Divisional Personal Officer,
Eastern Railway, Sealdah."

3. Learned counsel for applicant strenuously urged for inclusion of the applicant in Live Casual Labour Register in view of his service from 1985 to 1986 as casual labour. However, the applicant has failed to substantiate the fact of having served in the Railways or in any manner as casual labour whatsoever, during the said period.

4. The respondents in order to refute the claim have stated that the name of the applicant was not found in the Live Casual Labour Register of Section Engineer/P.Way/Baruipur and therefore, the question of his reinstatement in Railway did not arise. The respondents have categorically denied the service of

the applicant from 1985 to 1986 on casual basis or of his working for more than 120 days without any interruption. They have even doubted the fact of preferring representation as claimed to have been preferred on 11.08.1987 (Annexure A-1 to the OA).

The respondents have clearly stated that the applicant was never a bona fide casual labour and that being never in possession of any casual labour card to prove his service. He failed to prove his service as such and therefore he deserved no relief.

5. We heard both the sides and perused the materials on record.
6. We noted that the applicant has in fact miserably failed to produce any document in support of his claim that he served from 1985 to 1986 either as casual labour or otherwise and therefore, he deserved to be included in the Live Casual Labour Register. Such being the position, we noted that his claim for inclusion as such is not tenable. Accordingly, we find no reason to interfere with the speaking order impugned in the present OA.

Hence, the OA is dismissed. No costs.

(Jaya Das Gupta)
Member (A)

(Bidisha Banerjee)
Member (J)

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