

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 040/00417/2016

Date of Order: This, the day of July 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
HON'BLE MR.N.NEIHSIAL, ADMINISTRATIVE MEMBER**

Sri Partha Das
Son of Late Monohar Das
Railway quarter No.1247/A
D.S.Colony,
Post :Alipurduar Junction
Dist: Alipurduar,
Pin:-736123

Applicant.

By Advocate Dr.J.L.Sarkar

-And-

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

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

3. The Divisional Railway Manager,
N.F.Railway, Alipurduar Junction,
Dist:Alipurduar, West Bengal

4. General Secretary,
N.F.Railway, Mazdoor Union
Pandu, Guwahati-12

5. Divisional Convenor
N.F.Railway, Mazdodor Union
Alipurduar Junction,
Dist:Alipurduar, West Bengal, Pin-736123 Respondents.

By Advocate Ms.Usha Das, Railway Standing Counsel.

O R D E R

Per Mr.N.Neihsial , Member (A):

By this O.A., the applicant makes a prayer for setting aside the GM(P)'s letter dated 12.9.2016 (Annexure S) with the following reliefs:-

“ 8.1 The applicant desires to be absorbed in Group ‘D’ posts of the Railways under the instructions as laid down by the Railway Board under letter dated 3.5.2006 and effect given from the date of junior’s absorption.

8.2. The applicant also pleads that the communication in the ((P)'s letter dated 12.9.2016 (Annexure S) that the applicants case for absorption as quasi administrative staff cannot be considered and the reasons stated in the said letter alleging that the applicant did not fulfil the condition of not being still on roll because he was not on roll on 7.12.2010 be set aside and quashed.”

2. Heard Dr.J.L.Sarkar, learned counsel for the Applicant and Ms.U.Das, learned Railway Counsel for the Respondents. Perused the pleadings and materials placed on record.

3. The learned counsel for the applicant submitted that the applicant was engaged as watchman in the quasi administrative office/organization, N.F.Railway, Mazdoor Union, Alipurduar Junction w.e.f. 1.12.1996. As per the records he continued to work there till 31st July 2009. During this period, the Ministry of Railways vide their letter No. E(NG)II/99/RR-1/15 dated 30.5.2000 issued an order for recruitment in Group ‘D’ post of this staff working in quasi-administrative offices/organizations connected with Railways as one time measure for those who had completed 3 years as on 10.6.1997 and still on roll.

This order was subsequently modified vide their letter No.E(NG)II/99/RR-1/1 Voll.IV dated 03.05.2006 based on the demand of Federations/Organizations wherein the requirement of 3 years engagement on 10.6.1997 was waived .

4. In compliance of the above direction, the General Manager (P), Maligaon, Guwahati proposed certain number of individuals to be absorbed in Group 'D' as per the Scheme. In this process some individuals, have been left out. This was subsequently corrected. Certain number of individuals who approached this Tribunal have also been recruited under the directions of this Tribunal in O.A. Nos. 27 & 49/2011, 18/2011, 88/2012,149/2013, 265/2014. However, the above particular individual has been denied the opportunity being considered and absorbed on the ground that he was not on roll as on the date of consideration as on 07.12.2010.

5. After hearing both the parties, the Tribunal had gone through the records carefully. It is observed that one time regularization Scheme was issued by the Ministry of Railways, on 30th May 2000. The subsequent clarification was issued in 2006. This particular applicant was found on roll as on 10.6.1997. He was also very much on roll when the subsequent clarification was issued on 03.05.2006. The contention that one should be on roll on the date of consideration on 07.12.2010 or any other specific date is not supported by any direction from the Ministry of Railways.

Keeping in view of the above, it is felt that the individual is very much entitled to be considered for absorption in the group 'D' post and be given appointment if he fulfils other conditions as required by the rules.

6. Accordingly, respondents are hereby directed to consider the candidature of the applicant within a period of 3 months from the date of receipt of this order.
7. O.A. is disposed of accordingly. No order as to costs.

(N.NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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