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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH

O.A. NO. 350/544 OF 2018

In the matter of :

An application under Section 19 of
the Administrative Tribunal Act,
1985;

And

In the matter of :

1. Jayanta Bandyopadhyay,
son of Karunamoy Bandyopadhyay,
residing at Annawasha Housing Co-
Operative Society, G-Block-Ext,
Natun Pally, Benachity, Durgapur,
Dist-Burdwan, Pin - 713216.

2. Kanchan Kumar Layek,
son of Nityananda Layek, residing at
Amrit Nagar Colliery, P.O. + P.S.-
Raniganj, Burdwan, Pin - 713347.

3. Samiran Chatterjee,
son of Prabhat Kumar Chaterjee,

residing at VILL + PO-Kuchut,
Burdwan, Pin -713407.

4. Sirsendu Maji,
son of Sabita Ranjan Maji, residing at
- Village - Kankur Kunda, P.O. -
Achra, Burdwan, Pin -713335.

5. Pijush Kanti Mondal,
son of Monimohon Mondal, residing
at 6/5, Aurobinda Pally, Bhiringi,
Durgapur, Pin -713213.

6. Subhendu Mallick,
son of Ananda Mallick, residing at -
5B/59 Srinagar Pally, P.O.-Benachity,
City- Durgapur, Dist- Burdwan, Pin
-713213.

7. Sumitava Nandi,
son of Kanan Behari Nandi,
residing at RC-120, Geetanjali Park
Bengal Ambuja City Centar,
Durgapur, Burdwan, Pin 713216.

8. Tanmoy Biswas,

son of Mrityunjoy Biswas, residing at
-Vill- 9 No. Manindra Nagar, P.O.-
Cossimbazar, P.S-Berhampore, Dist-
Murshidabad, Pin - 742102.

9. Amit Paswan,

son of Anil Paswan, residing at - Vill-
Namokesia Kalimandir, P.O.-
Aachara, P.S-Salanpur, Dist-
Burdwan, Pin -713335.

10. Sudhangshu Kumbhakar,

son of Sadananda Kumbhakar,
residing at Alladi-2, P.O.-
Basudevpur, Jemari, Burdwan, Pin -
- 713335.

11. Suman Gantait,

son of Hiralal Gantait, residing at -
Vill - Gobindapur, P.O-Kanyapur,
Dist-Burdwan, Pin -713341.

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12. Nirmal Mahato,

son of Bhupen Mahato, residing at
Vill-Atharghata, P.O.- Sudarshan,
Nagar, P.S.- Banshiharl, Dist-Dakshin
Dinajpur, Pin -733121

13. Bibekananda Paramanik,

son of Gouranga Paramanik, residing
at Vill + P.O- Fusrabaid, P.S.-Para,
Dist- Purulia, Pin -723126.

14. Ankita Mondal,

daughter of Lakshmi Kanta Mondal,
residing at 23/5 Kalikapur Road,
P.O. - Cossimbazar, P.S. -
Berhampore, Dist-Murshidabad, Pin
- 742102.

15. Laboni Sarkar,

daughter of Sankar Sarkar, residing
at - 7 Manindranagar, P.O. -
Cossimbazar, P.S. Berhampore, Dist-
Murshidabad, Pin - 742102.

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16. Sangita Roy,

C/o. Debopam Bhattacharya,
residing at Vill + P.O-Tapan, P.S.-
Tapan, Dist- Dakshin Dinajpur, Pin -
733127.

17. Srijani Thakur,

son of Prabhat Kumar Thakur,
residing at Vill + Po-Manikyaher,
Dist-Murshidabad, Pin-742163.

18. Sk. Ashif,

son of Sk Liakat All, residing at D-II-
16, Coke Oven Colony, City-
Durgapur, Burdwan, Pin-713202.

19. Biswajit Das,

son of Late Ghosto Chandra Das,
residing at- Ambagan (Near, Kali
Mandir) P.O. Mihijam Dist-Jamtara,
Pin-815354.

20. Biltu Khan,

son of Paresh Nath Khan, residing at
PO-Sainthia (Rathtala Para), Dist-
Birbhum, Pin-731234.

21. Gouranga Mandal,
son of Late Nil Kumar Mandal,
residing at Vill-Soasa, P.O. -
Ksthagara, Dist-Birbhum, Pin-
731216.

22. ~~Dibyandu Biswas~~, **DIBYENDU BISWAS**
son of Shyamalendu Biswas,
residing at Street No-60, Qrs. No-
D/3, PO-Chittaranjan, Dist-
Burdwan, Pin-713331.

23. Subhasish Chakraborty,
Son of Late S. K. Chakraborty,
residing at Street No-34, Qrs. No-
30/B, P.O. -Chittaranjan, Dist-
Burdwan, Pin-713331.

24. Joy Sharma,
son of Late Kalipada Sharma,
residing at Street No-31, Qrs. No-
23/D, PO-Chittaranjan, Dist-
Burdwan, Pin-713331.

25. Prakash Mondal,

son of Late Manik Mondal,

residing at Vill- New Egara, PO-

Egara, Dist-Burdwan, Ps-Raniganj

Pin-713323.

26. Arindam Das,

son of Sudhansu Sekhar Das,

residing at Vill- Raghunathbati, PO-

Kanyapur, Dist-Burdwan, Pin-

713341.

27. Amit Kumar Mondal, **MANDAL**,

son of Late Bhujanga Bhushan Bhushan
Mondal

Mondal, residing at Vill-Raigram,

PO-Amrity, Dist-Malda, Pin-732208.

28. Srikanta Halder,

Son of Shiben Kumar Halder,

residing at Street No.5, Sector-5,

Aurobindo Nagar, P.O. - Hindustan

Cables, Burdwan-713335

-Versus-

1. The Union of India, the
General Manager, Chittaranjan
Locomotive Works, General
Manager, Office - P.O. & P.S.
Chittaranjan, District - Burdwan, Pin
- 713331.

2. The Chief Personal Officer,
Chittaranjan Locomotive Works,
Office - P.O. & P.S. Chittaranjan,
District - Burdwan, Pin - 713331.

3. The Railway Board, service
through the Chairman, Railway
Board, Rail Bhavan, Raisina Road,
New Delhi - 110001.

4 The Chairman, Railway Board,
Rail Bhavan, Raisina Road, New
Delhi - 110001.

.....Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/544/2018
MA 806/2018

Date of Order: 27.01.2020



**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Jayanta Bandyopadhyay & Ors.....Applicants

Vrs.

Union of India & Ors.....Respondents

For The Applicant(s): Mr. S.K.Datta & Mr. B.Chatterjee, Counsel

For The Respondent(s): Mr. H.Ghosh, Counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. The applicants are aggrieved in regard to the speaking order dated 07.07.2016, which reads as under:

Dated: 07.7.2016

No. GMA/Law/O.A. No. 1367/2015/JB

Sri Jayanta Bandyopadhyay
S/o Sri Karunamoy Bandyopadhyay
Annawasha Housing Co-operative Society
G-Block Ext. Narun Pally
Benachity, Durgapur
District - Bardwan
Pin Code - 713216
& 27 others

Sub: Speaking Order in compliance to Hon'ble CAT/Catcutta's order dated 30.3.2016 in O.A. No. 350/01367/2015 in the matter of Sri Jayanta Bandyopadhyay & others

I have gone through the judgment of Hon'ble Central Administrative Tribunal, Calcutta Bench dated 30.3.2016 in O.A. No. 350/01367/2015 filed by Sri Jayanta Bandyopadhyay & Ors. for appointment of Diploma/Degree holder Act Apprentice (GOI Trainees) as Substitute Group 'D' in CLW.

Substitute engagement in Group 'D' is guided by Railway Board's letter no. E(NG)/I/2008/SB/SR/13 dated 17.9.2010 (RBE No. 137/2010), wherein it is indicated that this engagement is to be done in the exigencies of work with the prior personal approval of General Manager in terms of Railway Board's letter no. E(MPP)2005/6/1 dated 02.12.2010 (RBE No. 171/2010). Diploma/Degree holder trained under Apprentice Act 1961 in Railway Establishments can be considered for engagement as substitutes in Group 'D' post within the General Manager's powers in administrative exigencies. Therefore, in case of substitute engagement, Diploma/Degree holders Act Apprentice (GOI Trainees) are also eligible provided a notification is issued for engagement of Substitutes. But no such notification has been issued.

On going through the records I also find that an indent for recruitment of Group 'D' from Open Market has been placed before Railway Recruitment Cell/Kolkata. In view of the fact that since the process of recruitment of Group 'D' from Open Market has already been initiated, therefore, the engagement of the applicants as substitute Group 'D' is not feasible.

Chief Personnel Officer

3. At hearing, it transpired that the applicants have been adjudged suitable to be considered against the quota fixed for Act Apprentice for Direct Recruitment, which is generally filled up through open market in terms of the Railway Board Rules. The applicants apprehend that they would be asked to apply against the Recruitment Notification.



4. Ld. Counsel for the respondents, on the contrary, submitted that the Speaking Order simply reflects that a recruitment process has been initiated but it does not mention that the applicant would have to apply against the recruitment notification.

5. In terms of the note dated 07.12.2011, it is not in dispute that the applicants are allowed to be considered. Operative portion of the note dated 07.12.2011 reads as under:

4. Keeping in view our emergent requirement as brought out above, we may consider engagement of about 150 candidates from out of the aforesaid group of Degree/Diploma holder trained apprentices, who have successfully completed their training in the CIW establishment under the Apprentices Act 1961. For this purpose we may presently call candidates from 1996-97 batch to 2005-06 batch for screening. Later batches may be considered to the extent candidates do not turn up, so that, in all about 150 candidates become available. Care would be taken to call the batches as a whole, as has been the practice in considering engagement of Course Completed Act Apprentices as Substitutes in Gr. 'D'. Since the candidates are technically qualified, they may be directly posted in the Workshop, as per the system being followed, for meeting the requirement there.

May kindly consider the proposal in Para-4 above for approval.

[Signature]
27.12.11
C.A.O.

6. In view of the above, we direct the respondent authorities to consider the applicants against the quota fixed for these Apprentices in terms of the Railway Board Orders and Railway Rules. According to the parties, the quota fixed is 20% of the total vacancies. We also understand that if the vacancies are available and the respondents intend to fill up the vacancy in exigency of service, applicants can be considered in accordance with law. Therefore, let appropriate orders be issued

in this regard within a period of three months from the date of receipt of a copy of this order.

The O.A. stands disposed of accordingly. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK