

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No. 440 of 1988.

Date of decision : July 20, 1990.

Sri Satyaji
and another ...
Applicant.

Versus

Union of India and another ...
Respondents.

For the applicants ... M/s. V. Prithviraj
J. N. Jethy,
R. V. Ramana, Advocates.

For the respondents ... Mr. L. Mohapatra,
Standing Counsel (Railways)

C O R A M :

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN
A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

...

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

B.R. PATEL, VICE-CHAIRMAN The facts, briefly stated, are that the applicant No. 1 was an employee under the South Eastern Railway, Khurda Road. He did not take part in the Railway strike which took place in the year 1981 and was declared a loyal Loco employee vide Annexure-1. The Railway Administration gave some incentives to such loyal workers. One of the incentives was employment of a son or ward of the employee concerned. Under the scheme the case of the applicant No. 2 who is the

Prithviraj

son of applicant No.1 was considered vide Annexure-1 and he was required to appear before the screening Committee which was set up to consider his suitability for the job of a substitute in Mechanical Department on 28.4.1981. The scheme giving incentives also required the railway employee to furnish a declaration in the prescribed proforma, copy of which is given at Annexure-A to the counter affidavit filed by the Railway Administration. Serial No.7 of the ~~proforma~~ ^{form} reads as follows:

" Declaration- I hereby declare that none of my son/daughter is serving in the Railways and in case this declaration is found to be false later on, the present employment of my son may be cancelled straightaway. "

2. The respondents 1 and 2 in their counter have maintained that though applicant No.1 was a loyal worker and was accepted as such, he furnished a false declaration in that one of his sons was working under the South Eastern Railway when applicant no.1 furnished the declaration. In terms of the declaration therefore, the contemplated appointment of Applicant No.2 was not proceeded with and no job was given to him vide Annexure-5. This annexure says

" As per policy decision taken, your case cannot be considered. "

3. We have heard Mr.V.Prithviraj, learned counsel for the applicant and Mr.L.Mohapatra, learned Standing Counsel (Railways) for the respondents and perused the relevant documents. Mr.Prithviraj has submitted that another person similarly circumstances as the applicant No.2 has been given a job under the loyal employees quota. According to him, one daughter of T.N.Patra whose name Binali

occurs in Annexure-1 amongst the loyal workers has been given a job even though the son of T.N.Patra had been working under the South Eastern Railway prior to the strike. He has therefore, prayed that similar treatment should be meted out to the applicant No.2.Mr.L.Mohapatra, has countered the argument of Mr.Prithviraj on the ground that the declaration is very clear and since any appointment given under false declaration has to be cancelled there is no cause for giving any employment to applicant No.2. He however admits that the son of T.N.Patra was working under the South Eastern Railway when the case of the ~~son~~ ^{daughter} of T.N.Patra was considered for appointment under loyal workers quota. In this connection he has drawn our attention to paragraph 9 of his counter. When the fact of T.N.Patra's son's employment was detected, T.N.Patra was departmentally proceeded against. But before the conclusion of the disciplinary proceeding T.N.Patra retired on superannuation and nothing further could be done. However, 50% of D.C.R.G. was forfeited which was subsequently restored by a decision of this Bench in O.A. 26 of 1987. Since appropriate action has been taken against T.N.Patra for having furnished false declaration, according to Mr.Mohapatra, there is nothing more for the Department to do so far as the employment of T.N.Patra's ward is concerned. After having heard the counsel for both sides at length, we have come to the conclusion since the ward of T.N.Patra, another loyal worker has been given an employment even though he furnished a false declaration, it will be in fitness of things and for the ends of justice if the case of applicant

No.2 also is considered by the Railway Administration for appropriate employment.

4. With this observation the case is accordingly disposed of. No costs.

K. Eep
20.7.90
Member (Judicial)

Prasad
20.7.90
Vice-Chairman

Central Admn.Tribunal,
Cuttack Bench, Cuttack.
July 20, 1990/Sarangi.

