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CENTRAL ADMINISTATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 414 of 1990

Date of Decision: 5.11.1992

Gopal Santra & Others — Applicants

Versus

Union of India & Others — Respondents

For the applicant — M/s-B.Gajapati,
J.N.Jethi
P.K.Nayak,
Advocates

For the respondents — Mr.B.Pal,
Standing Counsel
(Rly.Administration)

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C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR.K.J.RAMAN, MEMBER (ADMINISTRATIVE)

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

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(6)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioners pray to issue a direction to the opposite party No. 2 to modify its order contained in Annexure-1 permitting the children of the retired railway employees who have retired since 1.1.1987 for enrolment of fresh faces as substitute for utilisation against the day to day casualities.

2. Shortly stated the case of the petitioners (4 in number) is that notice dated 13.8.1900 inviting applications from the children of the railway employees who have retired on superannuation or voluntarily after 1.1.1987 or would be retired from service by 31.12.1993 for enrolment of fresh faces as substutes for utilisation against day to day casualities. The grievance of the petitioners is that no specific date should have been fixed or in other words the elibility of the intending candidates for filing of such applications should not have been confined to a particular date. Hence according to the petitioners there being a violation of Articles 14 and 16 of the Constitution, the said notification should be quashed and filling up of such posts should made open to every relation of an ex-employee irrespective of the date of retirement.

3. In their counter the opposite parties maintain that the application should be dismissed on the ground that there is no averment in the pleadings of the petitioners that any law in forced has been violated and further more it is maintained that it always lies within the discretion of the competent authority to fix a cut off date, otherwise there would be no limit in filing of the applications from

different persons. Applications must be confined to certain class of persons who come within the cut off date. Hence no illegality has been committed by fixing a cut off date and the case being devoid of merit is liable to be dismissed.

4. We have heard Mr.J.N.Jethi, learned counsel for the petitioners and Mr.B.Pal, learned Sr.Standing Counsel for the Railway Administration.

5. Mr.Jethi, learned counsel for the petitioners submitted basing on the averments of the pleadings in the petition that there is a violation of Articles 14 and 16 of the Constitution and it does not make a reasonable classification. All retired railway employees are entitled to this benefit without any discrimination. Therefore the impugned advertisement contained in Annexure-1 should be modified to the extent that applications should be entertained from relations of the railway employees who have retired prior to 1.1.1987. On the other hand Mr.Pal, learned Standing Counsel contended that there is absolutely no unreasonable classification so as to attract the mischief contained in Articles 14 and 16 of the Constitution and there has been no discrimination at all. Fixing a cut off date for accepting applications from a particular category of candidate does not infringe or violate the provisions contained in Articles 14 and 16 of the Constitution. The concerned authority has always the right of fixing cut off date as has been so fixed. No arbitrariness having been pointed out or pleaded, the

the contention of Mr.Jethi is devoid of merit.

6. A similar matter came up before the Single Judge forming subject matter of Original Application No.365 of 1990 disposed of on 22.1.1992. The learned Single Judge took the view that provisions contained in Articles 14 and 16 of the Constition have not been violated and he was also of the view that the competent authority has a right to fix a cut off date. We are in complete agreement with the view expressed by the learned Single Judge and we are also equally in agreement with the learned Standing Counsel Mr.Pal. Therefore, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

MEMBER (ADMINISTRATIVE) VICE-CHAIRMAN

5/XI/92

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 5.11.1992/ B.K.Sahoo