

8

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.476 of 1990.

Date of decision : November 1,1994.

K.C.Parida and others ...

Applicants.

Versus


Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? ^{no}
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? ^{no}


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(D. P. HIREMATH)
VICE-CHAIRMAN

01 NOV 94

9

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.476 of 1990.

Date of decision : November 1, 1994.

CORAM:

THE HON'BLE MR.JUSTICE D.P.HIREMATH, VICE-CHAIRMAN

A N D

THE HON'BLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

...

1. Kailash Ch.Parida, son of late Baidhar Parida,
a permanent resident of Jagdalpur, Delanga, Puri.
2. Jagannath Samantaray, son of late Sanatan,
a permanent resident of Jagadalpur, Delanga, Puri.
3. S.K.Paikaray, s/o Natabara,
a permanent resident of Jagadalpur, Delanga, Puri.
4. Bhubananda Pradhan, s/o Bauribandhu
a permanent resident of Benupada, Delanga,
Puri.
5. K.C.Patra, s/o Kubera Ch.Patra,
a permanent resident of Podabandha, Bira-
Purusottampur, Puri.
6. Bharat Champati s/o Dasarathi,
a permanent resident of Ghoradia, Puri.
7. Fakir Pradhan, s/o Daitari,
a permanent resident of Gandapada,
Singhabrahmapur, Puri.
8. Dinabandhu Barik,
s/o late Digambar a permanent resident of
Daruthenga, Puri.
9. Purusottam Mangaraj, s/o Gopinath,
a permanent resident of Ankoi, Mottary, Puri.
10. Bighnesh Kumar Harichandan, S/o Debaraj,
a permanent resident of Mottary, Puri.
11. Manamohan Champati, S/o Shankar,
a permanent resident of Mottary, Puri.
12. B.K.Ranasingha, s/o P.B.Ranasingha,
a permanent resident of Gada-Mrugashira, Puri.
13. Manamohan Routray, s/o Upendra Routray,
a permanent resident of Ankoi, Mottary, Puri.

14. Prasanna Kumar Jena, s/o K.N.Jena,
a permanent resident of Gunupur, Delanga, Puri.
15. B.Dalabehera, s/o D.B.Dalabehera,
a permanent resident of Elajanga, Badagaon, Puri.
16. Pratap Kumar Palatasingh, s/o Souri Paltasingh,
a permanent resident of Ankoi, Mottary, Puri.

All are registered Substitutes under
Divisional Traffic Inspector(C),
Khurda Road Division, South-Eastern Railway,
Jatni, Khurda, Puri.

... Applicants.

By Advocate Mr.B.Mohanty,

Versus

1. Union of India, represented through General
Manager, South Eastern Railway, Garden Reach,
Calcutta.
2. Divisional Railway Manager, Khurda Road Division,
South Eastern Railway, Jatni, Khurda, Puri.
3. Divisional Personnel Officer, Khurda Road
Division, South Eastern Railway, Jatni, Khurda, Puri.
4. Divisional Traffic Inspector(C),
Khurda Road, Division, South Eastern Railway,
Jatni, Khurda, Puri.
5. Divisional Operating Superintendent,
Khurda Road Division, South Eastern Railway,
Jatni, Khurda, Puri.
6. P.C.Dash, now working as Substitute Token
Porter, Divisional Traffic Inspector(N)
Khurda Road Division, South Eastern Railway,
Jatni, Khurda, Puri.
7. K.C.Jena,
8. N.C.Sahu.
9. R.K.Jena.

Respondents No.7,8 and 9 are now working
as Substitute Token Porter, under Divisional
Traffic Inspector(C), Khurda Road Division,
South Eastern Railway, Jatni, Khurda, Puri.

... Respondents.

By Advocate ...

Mr.D.N.Mishra,
Standing Counsel(Railways).

O R D E R

D.P.HIREMATH,V.C., Heard both the learned counsel.

2. The applicants' counsel limits his prayer to the one of providing work to the applicants as substitutes whenever there is work available for Substitutes by any of the employees going on leave or being not available to work. The respondents' counsel, Mr. D.N. Mishra does not dispute the averment of the applicants that they are registered substitutes as understood and defined under the Railway Establishment Rules. The contention of the respondents that they have not worked so far under the Railways is of no consequence and it is like ~~the~~ ^{the} begging question. It is for the respondents to provide them with work as substitute, and if the same is not provided there is no occasion for them to work. That being so, it is directed that the respondents shall provide the applicants work whenever it is available. The question of seniority, however, does not arise for the disposal of the present application. However, while working out the seniority the fact that they have registered their names in the year 1972 should be kept in view.

3. The O.A. is disposed of accordingly.

.....
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

.....
(D.P. HIREMATH)
VICE-CHAIRMAN.

Saranghi.