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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.590 OF 1994

Cuttack, this the 24th day of September, 1998

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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1. Yudhistir Paikray, aged about 25 years,
son of Sauria, At-Chhatipur, P.O-Chhatipur,
Via-Bajapur, Dist.Puri.
 2. Kailash Ch.Behera, aged about 26 years,
son of Upendra Behera
 3. Pabitra Kumar Samanta Singhar, aged 23 years
son of Chema
 4. Pramod Kumar Patsani, aged about 27 years,
son of Dhuli Pattasani
- Nos. 2 to 4 are at Chhatipur, P.O-Chhatipur, Via-Bajapur,
Dist.Puri.
5. Ashok Ku. Mangaraj, aged 27 years,
son of Muralidhar Mangaraj, At/PO-Chhatipur,
Khurda, Dist.Khurda.
 6. Bindu Sagar Samanta Singhar
aged about 26 years, son of
Sikhar Samantasinghar,
At/PO-Chhatipur, Dist.Khurda Applicants

By the Advocates - M/s T.Ratho &
R.K.Samantsinghar

Vrs.

1. General Manager, S.E.Railway,
Garden Reach, Calcutta-43.
2. Divisional Railway Manager, S.E.Railway,
Khurda Road, PO-Jatni, Dist.Khurda.
3. Sr.Personal Divisional Officer,
S.E.Railway, Khurda Road, PO-Jatni, Dist.Khurda

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Respondents

By the Advocate - Mr.B.Pal

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ORDER

SOMNATH SOM, VICE-CHAIRMAN

The six applicants in this case have prayed for a direction to the respondents to publish the result of the interview held on 28.11.1991, 3.12.1991 and 5.12.1991 and to engage the applicants.

2. Facts of this case, according to the petitioners, are that these six petitioners are children of Railway employees who have retired on superannuation after 1.1.1987. S.E.Railway, Khurda Road Division, issued a notice dated 13.8.1990 (Annexure-1) in which applications were invited from children of Railway employees who have retired on superannuation or voluntarily after 1.1.1987 or would be retiring from service by 31.12.1993 for enrolment of fresh faces as substitutes for utilisation against day to day casualties. There were conditions about age and educational qualification, but these do not concern us for the present purpose. The petitioners submitted their applications in response to Annexure-1. They were issued call letters requiring them to appear on different dates on 28.11.1991, 3.12.1991 and 5.12.1991 for interview and test. The call letters received by the applicants are at Annexure-2 series. The applicants further state that they appeared at the interview on the respective dates. But even though more than six years have passed, results of the interview have not been published. On the contrary, the respondents without finalising the results of the interview are appointing outsiders (fresh faces) as substitutes. That is how they have come up with the aforesaid prayers.

J. Som .

3. The respondents in their counter have stated that a notice was issued inviting applications from wards of Railway employees who have retired on superannuation or voluntarily after 1.1.1987 or will be

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retiring from service by 31.12.1993 for enrolment of fresh faces as substitutes for utilisation against day to day casualties. In response to this notice, about 3000 applications were received. A Screening Committee was constituted consisting of four Railway Officers. The Screening Committee conducted the test on different dates during 1991-92. But there were some complaints with regard to the test to the Vigilance Department of Railways which seized relevant documents and thereafter the Screening Committee was forced to keep the test in abeyance till finalisation of the enquiry. The respondents have further stated that the test was not concluded. In the meantime, some of the members of the Screening Committee have retired. They have further stated that the enquiry of Vigilance Department is not over and the documents have not been returned back by the Vigilance Department. On the above grounds, the respondents have opposed the prayer of the applicants.

4. We have heard Shri T.Ratho, the learned counsel for the petitioners and Shri B.Pal, the learned Senior Panel Counsel appearing on behalf of the respondents, and have also perused the records.

5. With regard to the same notice dated 13.8.1990 inviting applications from wards of retired or retiring Railway employees and the same interview, another batch of applicants came up before the Tribunal in OA No.369 of 1995 which was heard and disposed of in order dated 14.9.1998. It was submitted by the learned counsel for the petitioners, Shri T.Ratho that the facts of the present application are exactly similar to the facts of OA No. 369 of 1995, and the present O.A. can also be disposed of by issuing a direction to the respondents similar to what has been issued in OA No.369/95. It was submitted by

S. Dom.

Shri B.Pal, the learned counsel for the respondents that in this case vigilance enquiry has been done by the Vigilance Wing of the Railways which is working under General Manager, S.E.Railway, respondent no.1 in this case. In view of the above and in line with the direction issued by us in OA No. 369 of 1995, we note that the Vigilance Wing of the Railways have seized the documents more than seven years ago and seven years are a long period for the Vigilance Wing to make an enquiry and come to a finding with regard to the allegations on the basis of which these documents were seized and the enquiry by the Vigilance Wing was taken up. In view of this, we direct respondent no.1 that the Vigilance Wing of the Railways should complete the enquiry within a period of 4 (four) months from today and send their report to the General Manager, S.E.Railway and Divisional Railway Manager, Khurda Road, who are also directed to consider the report of the Vigilance Wing and take further action in the matter in accordance with law within a period of another one month thereafter.

6. With the above direction, the O.A. is disposed of. There would be no order as to costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

(SOMNATH SOM)

VICE-CHAIRMAN

AN/PS