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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 369 OF 1995.

Cuttack this the 14th of September, 1995.

MAHIDHAR NAYAK.

....

APPLICANT.

- VERSUS -

UNION OF INDIA & OTHERS.

....

RESPONDENTS.

( FOR INSTRUCTIONS )

1. Whether it be referred to the reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? No

( G. NARASIMHAM )  
MEMBER ( JUDICIAL )

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S. SOMNATH ( S. SOM )  
VICE-CHAIRMAN  
14.9.95

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**CUTTACK BENCH: CUTTACK.**

**ORIGINAL APPLICATION NO. 369 OF 1995.**

Cuttack this the 14<sup>th</sup> day of September, 1995.

**CORAM:-**

**THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND**

**THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDL.)**

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1. Mahidhar Nayak, S/O. Ganesh Nayak,  
At. Tentuligadia, P.O. Randia,  
Dist. Bhadrak.
2. Karunakar Nayak, S/O. Kartika Nayak,  
At. Chengagadia, P.O. Randia,  
Dist. Bhadrak.
3. Surendra Nayak, S/O. Baidhar Nayak,  
At. Nurupur, P.O./Dist. Bhadrak.
4. Sisir Kumar Goswami, S/O. Nanda Dulal Goswami,  
At. Santhia, P.O./Dist. Bhadrak.
5. Debi Prasad Mohanty, S/O. Baishnab Ch. Mohanty,  
At/P.O. Mouda, Dist. Bhadrak.
6. Basanta Kumar Swain, S/O. Babaji Swain,  
At. Pachhatira, P.O. Kendupada, Dist. Bhadrak.
7. Hrudananda Rout, S/O. Gaya Rout,  
At. Gohirapadi, P.O. Kendupada,  
Dist. Bhadrak.
8. Mahendra Kumar Sahu, S/o. Touili Sahu,  
At/P.O. Kendupada, Dist. Bhadrak.

.... **APPLICANTS.**

*S. J. OM*  
By legal Practitioner:- M/s. G. A. R. Dora, V. Narasingh, Advocates.

**- VERSUS -**

1. Union of India through the General Manager, S.E. Railway, Garden Reach, CALCUTTA-43.
  2. Divisional Railway Manager(P),  
S.E. Railway, At/Khurda Road,  
PO. Jatni, Dist. Khurda. ...
- RESPONDENTS.

By legal practitioner:- M/s. B.Pal, O.N. Ghosh, S.K. Ojha,  
Senior Standing Counsel(Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:-

In this Original Application, under Section 19 of the Administrative Tribunals Act, 1985, 8(eight) applicants have prayed for a direction to the Respondents to publish the result of the interview/test to which they were called in pursuance of their applications in response to ANNEXURE-A/1. There is also a prayer for a direction to appoint the applicants as substitute forthwith.

*SJM*  
2. The admitted facts of this case are that the Divisional Railway Manager, South Eastern Railway, Khurda Road, issued a notice on 13-3-1990, (ANNEXURE-A/1) in which applications were called from the children of the Railway employees, who have retired on superannuation or voluntarily after 1.1.1987 or will be retiring from

service by 31.3.1993. The educational qualification, age and other conditions required, are mentioned in the Annexure and it is not necessary for the present purpose to refer the same. In response to this notice, <sup>6</sup> ~~JMM~~ at Annexure-A/1, eight petitioners submitted their application. 3000 applicants were received and a screening was made. These applicants got call letters. Xerox copy of call letter issued to applicant No.6 is at Annexure-A/2. Accordingly, all these applicants appeared at the interview but the Railway Authorities, have not published the results even though more than five years are over. That his how, the petitioners have come with the prayers referred to earlier.

3. Respondents, in their counter-affidavit have stated that against the test conducted, certain allegations were made and the Vigilance wing of the Railways seized the records which are still with them and because of this, the Respondents are not in a position to complete the selection and publish the result.

4. Applicants, in their rejoinder, have stated that similar process of selection of children of retired

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or retiring railway employees for inclusion in a panel for appointment as substitute, was taken up in certain other divisions like Adra, Chakradharpur, Bilaspur, Nagpur and Khargapur and results of those selection have been published. Applicants have annexed declaration of these results at Annexures-A/6 and A/7. It is further submitted that while the Railway Authorities have not completed the selection and declared the result, they have engaged outsiders who have not come through any test, as substitute. The order of engagement of such out-siders have also been enclosed to this Original Application as Annexures-A/3 and A/4. The applicants have also mentioned in the rejoinder that three class II Officers of the Railways conducted the interview and test and prepared a select list which was submitted to the Divisional personnel Officer. Petitioner have further submitted that the Divisional personnel Officer, inserted certain names in the panel even though they were not selected by the Selection Committee and because of this, the Assistant personnel Officer, who was a member of the Selection Committee managed to obtain the select list and struck off his

SJM

name from this. All these led to filing of allegations and Vigilance authorities have seized the records.

5. We have heard Shri G. A. R. Dora learned counsel for the Petitioners and Shri B. Pal, learned Senior Counsel appearing for the Respondents and have also perused the records.

6. The admitted position is that the records of the Selection have been seized by the Vigilance of the Railways which is under the General Manager, South Eastern Railway, who is Respondent No. 1. <sup>Wing</sup> <sup>Retired</sup> <sup>Wing</sup> <sup>Retired</sup> records have been seized more than five years ago and according to the Respondents a letter addressed to <sup>Wing</sup> <sup>Retired</sup> <sup>Wing</sup> <sup>Retired</sup> Secretary, Retired Employees Association (Annexure-5) that the selection process is still incomplete. ~~Ex~~ <sup>Wing</sup> <sup>Retired</sup> Five years is long enough period for the Vigilance Wing to make an enquiry and come to ~~Ex~~ findings with regard to the allegations. In view of this, we direct <sup>Retired</sup> <sup>Wing</sup> <sup>Retired</sup> the Respondent No. 1 Vigilance wing of the Railways to complete the enquiry within a period of four months and send the report to the General Manager,

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and D.R.M., 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.

7. With the above directions, the Original Application is disposed of. There would be no order as to costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
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