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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NOS. 154/97, 465/98, 301/99  
AND 550/2000

Cuttack this the 13th day of April/2003

IN O.A. 154/97

Purna Ch. Barida & Ors. ... **Applicants**

-Versus-

Union of India & Others ... **Respondents**

IN O.A. 165/98

G. Shujang, Rao & Ors. ... **Applicants**

-Versus-

Union of India & Others ... **Respondents**

IN O.A. 301/99

Gangadhar Behera & Others ... **Applicants**

-Versus-

Union of India & Others ... **Respondents**

IN O.A. 550/2000

B. Mohapatra & Others ... **Applicants**

-Versus-

Union of India & Others ... **Respondents**

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? ✓
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? ✓

*MR. MOHAPATRA*  
(M.R. MOHAPATRA)  
MEMBER (JUDICIAL)

*B.N. SORI*  
(B.N. SORI)  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NOS. 454/97, 465/98, 301/99 AND  
550/2000

Cuttack this the 11th day of April/2003

CORAM :

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)

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IN O.A. 454/97

1. Purna Chandra Parida, aged about 11 years, S/o. Ikrام Parida, a resident of Village: Bachhara PO-Jatni, District : Khurda
2. Surendranath Subudhi, aged about 11 years, S/o. N. Subudhi, a resident of Village: Bachhara PO-Jatni, Dist: Khurda
3. Sudarshan Sahoo, aged about 38 years, S/o. B.K. Sahoo a resident of Village : Bhansar, PO-Harirapur, Dist. Khurda
4. Prafulla Kumar Mangaray, aged about 38 years, S/o. P.N. Mangaray, a resident of Village-Bhenta, PO-Garhmatiapara, District - Puri
5. Bijaya Kumar Nanda, aged about 41 years, S/o. K.C. Nanda, a resident of Village:Dhalpur, PO-Dhalpur Dist. Dehenkanal
6. D.B. Jajo, aged about 40 years, S/o.D.A. Naidu, a resident of Village : Jatni, PO:Jatni, Dist-Khurda
7. Babaji Charan Rout, aged about 40 years, S/o.B.B. Rout, a resident of Village:Raghunathpur, PO-Barang, Dist. Khurda
8. Nima Charan Nayak, aged about 36 years, S/o.J. Nayak, a resident of Village/PO-Sarakana, District-Khurda
9. Bhadrirathi Behera, aged about 36 years, S/o.R.M. Behera, a resident of Village:Niranjanpur, PO-Kantia, Dist. Khurda
10. Trilokyanath Dash, aged about 39 years, S/o. P.C. Dash, a resident of Village : Rajendrapur, PO-Kabirpur Dist - Cuttack
11. Trilath Samantray, aged about 36 years, S/o.B.N. Samantray, a resident of Village:Udayapur, PO-Beraboi, Dist - Puri
12. Abhayanu Mandayatray, aged about 41 years, S/o. Y. Ray, a resident of Village:Jharkata, PO-Mandarbasta Dist - Khurda

13. Sureswar Sahoo, aged about 40 years, S/o.S.S.Sahoo, a resident of Village: Rajabazar, PO:Jatni, Dist-Khurda
14. Santosh Kumar Panigrahi, aged about 37 years, S/o.G.D.Panigrahi, a resident of Village:Hariganj Sahi, PO-Berhampur, Dist-Ganjam
15. Anath Sethi, aged about 37 years, S/o.N.Sethi, a resident of Village:Bachhara, PO:Jatni, Dist-Khurda
16. Arakha Behera, aged about 37 years, S/o.N.K.Behlera, a resident of Village:Raghunathpur, PO-Barang, Dist-Khurda
17. Kapil Nath Nayak, aged about 41 years, S/o.P.Nayak a resident of Vill-Bachhara, PO-Jatni, Dist-Khurda

All are Registered Substitutes under Divisional Superintendent, Khurda Road, South Eastern Railway/ East Coast Railway, Khurda Road Division, Jatni, District : Khurda

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Applicants

By the Advocates

M/s.Biswajit Mohanty-I  
S.Patra

VERSUS

1. Union of India represented through General Manager, South Eastern Railway, Garden Reach, Calcutta, West Bengal
2. Divisional Railway Manager(P), Khurda Road, South Eastern Railways, Jatni, Dist-Khurda
3. Divisional Railway Manager, Khurda Road Division, South Eastern Railway, Jatni, District:Khurda
4. Divisional Transport Inspector(C) Khurda Road Division, South Eastern Railways, Jatni, District:Khurda

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Respondents

By the Advocates

M/s.B. Pal  
P.C.Panda  
S.K.Ojha

IN O.A.NO.465/98

1. G.Bhujang Rao, aged about 47 years, S/o.Late Chalapati Rao, At:Balichhak Sahi, PO-Jatni, Dist-Khurda
2. Harihar Mohapatra, aged about 44 years, S/o.Banchhanidhi Mohapatra, At/PO-Haladipada, Dist-Puri
3. Pitalpar Baral, aged about 44 years, S/o.Late Rama Chandra Baral, Village/PO-Guali Gorda, Dist-Puri
4. Keli Charan Pradhan, aged about 45 years, S/o.Balabhadra Pradhan, At:Mandarbasta, PO-Salepur, Dist-Puri

5. Purn Chandra Baral, aged about 41 years, S/o.Late Rama Chandra Baral, Vill/PO-Guali Gorda, Via:Belanga, Dist-Puri
6. Ajay Kumar Bharimal, aged about 44 years, S/o.Prabhakar Bhar mal, At: Dokanda, PO-Kanas, Dist-Puri
7. Purn Chandra Biswal, aged about 44 years, S/o.Bhabani Biswal, At:Nuagarh, PO-Delang, Dist-Puri
8. Promod Kumar Bhola, aged about 45 years, S/o.Pabana Bhol , At/PO-Ramachandi, Dist-Puri
9. Upenra Jena, aged about 45 years, S/o.Lingaraj Jena, At: Eatal, PO:Motari, Dist-Puri
10. Sri Jayanath Parida, aged about 45 years, S/o.Late Nidhi Parida, At:Chanagorada, PO-Patanakia, Dist-Puri
11. Rajkishore Jena, aged about 44 years, S/o.Late Prahlad Jena, At:Eatal, PO-Motari, Dist-Puri
12. Pramoda Kumar Pradhan, aged about 45 years, S/o.Late Kailash Chandra Pradhan, At:Gobardhanpur, PO-Pipili, Dist-Puri
13. Trinath Mangaraj, aged about 45 years, S/o.Rahas Mangaraj, At:Aswathapari, PO-Kanas, Dist-Puri
14. Gondurb Biswal, aged about 45 years, S/o.Bhabani Biswal, At:Nuagarh, PO-Delang, Dist-Puri
15. Bipin Kumar Balbantray, aged about 46 years, S/o. Jayakushna Balbantray, At/PO-Motari, Dist-Puri
16. Niranjan Balabantaray, aged about 46 years, S/o.Arta Balabantaray, At/PO-Motari, Dist-Puri
17. Raghu Nath Pradhan, aged about 45 years, S/o.Sambhu Pradhan, At: Khairikuda, PO-Guali Gorda, Dist-Puri
18. Sri Narajuna Mohapatra, aged about 45 years, S/o.Bhabani Mohapatra, At:Aragad, PO-Godoput Matiapara, Dist-Puri
19. Pabitra Mohan Pradhan, aged about 45 years, S/o. Kailash Chandra Pradhan, At:Gobardhanpur, PO-Pipili, Dist-Puri
20. Ashok Kumar Paikray, aged about 45 years, S/o. Dibyasingh Paikray, At:Manitiri, PO-Godoput Matiapara, Dist-Puri
21. Krupajindhu Mohapatra, aged about 45 years, S/o.Late Prahalad Mohapatra, At/PO: Kantia, Dist-Puri
22. Sopenbar Mohapatra, aged about 45 years, S/o.Late Prahalad Mohapatra, At/PO-Kantia, Dist-Puri
23. Debraj Rana, aged about 45 years, S/o.Budhinath Rana, At:Boil, PO: Motari, Dist-Puri
24. Gandu Dehury, aged about 45 years, S/o.Mayadhar Dehury, At: Nethua, PO-Mahapada, Dist-Dhenkanal
25. Sibhut Bhushan Jena, aged about 45 years, S/o.Bamdev Jena, At:Podapada, PO: Arugul, Dist-Khurda

26. Pradeep Kumar Jena, aged about 44 years, S/o. Nanda Kishore Jena, At: Haripur, PO: Godiput Matiapara, Dist-Puri

27. Subash Chandra Panda, aged about 44 years, S/o. Surendranath Patna, At: Haripur, PO: Godoput Matiapara, Dist-Puri

28. Rabindranath Mohapatra, aged about 45 years, S/o. Bansi Nar Mohapatra, At: Parapada, PO: Godiput Matiapara, Dist-Puri

29. Bhaskar Rana, aged about 45 years, S/o. Purna Chandra Rana, At: Khudapur, PO: Bhimpur Padanpur, Dist-Puri

... Applicants

By the Advocates

M/s. Biswajit  
Mohanty - I  
S. Patra

- Versus -

1. Union of India represented through General Manager South Eastern Railway, Garden Reach, Calcutta, West Bengal

2. Divisional Railway Manager (P), Khurda Road, South Eastern Railways, Jatni, Dist-Khurda

3. Divisional Railway Manager, Khurda Road Division, South Eastern Railway, Jatni, Dist-Khurda

4. Divisional Transport Inspector (C), Khurda Road Division, South Eastern Railway, Jatni, Dist-Khurda

... Respondents

By the Advocates

Mr. C. R. Mishra  
Mr. B. Pal

IN O.A. NO. 301/99

1. Gangadar Behera, aged about 42 years, S/o. Krushna Behera, a resident of Vill/PO-Motari, Dist-Puri

2. Chandrikanta Parida, aged about 40 years, S/o. Bhikari Parida, a resident of Vill-Jagadalpur, PO-Delang, Dist-Puri

3. Akshy Harichandan, aged about 41 years, S/o. Dhaneswar Harichandan, a resident of Vill/PO-Motari, Dist-Puri

4. Biswajit Mangaraj, aged about 39 years, Son of Late Agadhar Mangaraj, a resident of Vill/PO-Motari, Dist-Puri

5. Nalu Martha, aged about 42 years, Son of Kalu Martha a resident of Vill/PO-Ghoradia, Dist-Puri

6. Sarat Kumar Dalai, aged about 42 years, Son of Bhimsen Dalai a resident of Vill/PO-Motari, Dist-Puri

7. Hemanta Kumar Harichandan, aged about 39 years, S/o. Debaraj Harichandan, a resident of Vill-Gada Kalupada, PO-Motari, Dist-Puri

8. Dukhi Nayama Palai, aged about 40 years, S/o. Abhima Nayu Palai, a resident of Vill/Jagadalpur, PO-Delang, Dist-Puri
9. Sanjay Baral, aged about 39 years, S/o. Bhimsen Baral a resident of Vill/PO-Motari, Dist-Puri
10. Bharat Kumar Balabantaray, aged about 39 years, S/o. late Pitabas Balabantaray, a resident of Vill/Jagadalpur, PO-Delang, Dist-Puri
11. Sarat Kumar Patra, aged about 42 years, S/o. Brajabandhu Patra, a resident of Vill/PO-Birapurusottampur, Dist-Puri
12. Swadhi Kumar Nayak, aged about 39 years, S/o. Babaji Nayak, a resident of Vill/PO-Motari, Dist-Puri
13. Bijay Kumar Samantaray, aged about 41 years, S/o. late Pabani Samantaray, a resident of Vill/Jagadalpur, PO-Delang, Dist-Puri
14. Subash Chandra Balabantaray, aged about 39 years, S/o. Baikuntha Balabantaray, a resident of Vill/Jagadalpur PO-Delang, Dist-Puri
15. Gopinath Harichandan, aged about 40 years, S/o. late Gobind Harichandan, a resident of Vill/PO-Motari, Dist-Puri
16. Ratnakar Mohapatra, aged about 41 years, S/o. late Kalucharan Mohapatra, a resident of Vill-Sudhagar, PO-Tipuri, Dist-Puri
17. Gunananda Mohapatra, aged about 40 years, S/o. late Kakata Mohapatra, a resident of Vill-Sudhagar, PO-Tipuri, Dist-Puri
18. Pramod Kumar Harichandan, aged about 41 years, S/o. Brundaian Harichandan, a resident of Vill/PO-Motari, Dist-Puri
19. Krushna Chandra Balabantaray, aged about 41 yrs., S/o. Baikuntha Balabantaray, a resident of Vill-Jagadalpur, PO-Delang, Dist-Puri
20. Kudrat Khan, aged about 42 yrs., S/o. late Hamid Khan, a resident of Vill/PO-Motari, Dist-Puri
21. Prakas Kumar Chhotaray, aged about 41 yrs., S/o. Gangadhar Chhotaray, a resident of Vill/PO-Motari, Dist-Puri
22. Madhusudan Samantaray, aged about 40 yrs., S/o. late Kuber Samantaray, a resident of Vill/PO-Balabhadrapur, Dist-Puri
23. Narendra Champaati, aged about 42 yrs., S/o. late Upendra Champaati, a resident of Vill/PO-Motari, Dist-Puri
24. Duttibalan Chhotaray, aged about 41 yrs., S/o. late Banchhaidhi Chhotaray, a resident of Vill/PO-Balabhadrapur Dist-Puri
25. Sridhar Patra, aged about 39 yrs., S/o. Somanath Patra, a resident of Vill-Birapurusottampur, PO-Pipili, Dist-Puri
26. Suryamani Samal, aged about 42 yrs., Son of late Gopinath Samal, PO-Baharpampu, PO-Ghanatala, Dist-Cuttack

27. Surati Chandra Paikaray, aged about 42 yrs., S/o. late Natabar Paikaray, a resident of Vill-Jagadalpur, PO-Delanga, Dist-Puri

28. Bhaskar Palai, aged about 39 yrs., S/o. late Harihar Palai, a resident of Village-Jagadalpur, PO-Delanga, Dist-Puri

29. Gopinath Sahoo, aged about 42 yrs., S/o. late Ghana Sahoo, a resident of Vill-Uaspadar, PO-Kalupada, Dist-Khurda

30. Bharki Kumar Bhatta, aged about 41 yrs., S/o. Kamgati Bhatta, a resident of Vill-Sailo Nuagaon, PO-Gobindapur, Dist-Buttack

31. Siba Prasad Pradhan, aged about 39 yrs., S/o. Hadibandhu Pradhan, a resident of Vill-Mundal, PO-Kalapada, Dist-Khurda

32. Tutun Mohanty, aged about 40 yrs., S/o. Bhagabat Mohanty, a resident of Vill-Rampa, PO-Barimount, Dist-Jajpur

33. Brundaban Pradhan, aged about 42 yrs., S/o. Daitari Pradhan, a resident of Vill-Nipur, PO-Singh Barampur, Dist-Puri

34. Pravalar Mangaraj, aged about 39 yrs., S/o. Bhaskar Mangaraj, a resident of Vill-Kariapada, PO-Ghodadia, Dist-Puri

35. Ullash Baliarsingh & Ullash Chandra, aged about 41 yrs., S/o. Libakar Baliarsingh, a resident of Vill-Kamuna, PO-Aragal, Dist-Puri

36. Gundicha Pradhan, aged about 39 yrs., S/o. Prahallad Pradhan, a resident of Vill-Jamuna, PO-Aragal, Dist-Puri

37. Susan Kumar Martha, aged about 40 yrs., S/o. Prafulla Kumar Martha, a resident of Vill-Jamuna, PO-Argal, Dist-Puri

38. Dukhiyanam Baliarsingh, aged about 39 yrs., S/o. Sanatin Baliarsingh, a resident of Vill-Jamuna, PO-Argul, Dist-Puri

39. Pramod Kumar Mangaraj, aged about 41 yrs., S/o. Kailash Mangaraj, a resident of Vill/PO-Ghoradia, Dist-Puri

40. Sarat Martha, aged about 40 yrs., S/o. Benudhar Martha a resident of Vill-Jamuna, PO-Aragul, Dist-Puri

41. Rabinraja Kumar Jena, aged about 39 yrs., S/o. late Natabar Jena, a resident of Balol, PO-Motari, Dist-Puri

✓ All above Registered Substitutes under Divisional Superintendent and Divisional Personnel Officer, Khurda Road, South Eastern Railway/East Coast Railway, Khurda Road Division, Jatni, Dist-Khurda

By the Advocates

...

Applicants

M/s. Biswajit Mohanty  
S. Patra

-Versus-

1. Indian of India represented through General Manager, South Eastern Railway, Garden Reach, Calcutta, West Bengal
2. Divisional Railway Manager (P), Khurda Road, South Eastern Railways, Jatni, Dist. Khurda
3. Divisional Railway Manager, Khurda Road Division, South Eastern Railway, Jatni, Dist. Khurda
4. Divisional Transport Inspector(C), Khurda Road Division, South Eastern Railways, Jatni, Khurda

... Respondents

By the Advocates

Mr. D.N. Mishra  
Mr. B. Pal

O.A. NO. 550/2000

1. Baijuntha Mohapatra, aged about 42 yrs., S/o. Abhijanyu Mohapatra, At-Amalanga, PO-Delanga, Dist. Puri
2. Pratallad Behera, aged about 43 yrs., S/o. Balaram Behera, At/Gopinathpur, PO-Jatni, Dist. Khurda

... Applicants

By the Advocates

Mr. B. Dash

- Versus -

1. Indian of India represented through General Manager, S.E. Railway, Garden Reach, Calcutta-43
2. Divisional Railway Manager, S.E. Railway, Khurda Road Division, Jatni, Dist. Khurda
3. Sr. Divisional Personnel Officer, S.E. Railway, Khurda Road Division, Jatni, Dist. Khurda
4. Station Superintendent of S.E. Railway, Khurda Road, Jatni, Dist. Khurda
5. Divisional Operating Superintendent, Khurda Road Division, S.E. Rly., Jatni, Dist. Khurda

... Respondents

By the Advocates

Mr. A.K. Misra  
Mr. A. Pal  
Mr. B. Pal  
Mr. C.R. Mishra

.....

Q R D E R

MR. B.N. SOI, VICE-CHAIRMAN : In all the four Original Applications the point to be decided by us being one and the same, this common order will govern the field. For the sake of convenience, we may as well deal with O.A.454/97.

2. Purna Chandra Parida and 16 others have filed O.A. 454/97 seeking direction to Respondents/Railways for engagement as substitutes against day to day casualities/vacancies, inter alia alleging the inaction of the Respondents in engaging them as substitutes although their juniors/freshers have been engaged as such. The applicants claiming to be the registered substitutes of the year 1971-72 under Divisional Superintendent, S.E.Railway, Khurda Road have also assailed this action of the Respondents are illegal, arbitrary, mala fide, discriminatory and violative of Articles 14 and 16 of the Constitution.

3. The applicants, as stated earlier, have claimed that they were registered by the Respondents as substitutes on various dates between November, 1971 to March, 1972. They have further claimed that their names were recorded in the register maintained in the office of Respondent No.3. They have submitted under Annexure-A/1 (said to be a sample copy of the orders) showing their registration as substitutes. They have also indicated the stations of engagement as substitute by the Respondents. The applicants have further alleged that by ignoring the entire procedure, the Respondents have absorbed some

outsiders as substitutes and they have also cited names of certain substitutes who are claimed to be junior to them against permanent posts. Inspite of the direction of the Divisional Personnel Officer, S.E.Railway, Garden Reach vide his letter dated 10.10.79 that engagement of substitutes should be made strictly on the basis of seniority, the Respondents followed the policy of pick and choose and thus denied opportunity to the applicants for being regularly engaged. They have further stated that it was in the last part of 1996 that the applicants came to know that the authorities had started engaging freshers as substitutes. The applicants further stated that although there existed requirement of substitutes in the posts of token porter, time points man, lever man and gate man, the Respondents did not call them to duty. Thus being aggrieved, they have approached this Tribunal seeking direction to Respondents as referred to earlier.

4. Respondents, in their counter have refuted all the claims of the applicants to which the applicants have filed rejoinder and Respondents have also submitted reply to rejoinder. Applicants have also furnished additional verification enclosing thereto certain documents regarding engagement of some of them by the Respondents during 1977-81.

5. We have heard the learned counsels for both the sides and perused the materials available on record. Respondents have raised the question of limitation by stating that the cause of action having been arisen in

the year 1971-72 and this Original Application having  
been filed 25 years <sup>after</sup>, i.e. in the year 1997, the same  
is liable to be dismissed on the ground of limitation  
alone. They have laid stress on the point that the  
applicants at the time of their registration as substitutes,  
as claimed by them, were in the age group of 10 - 16 years.  
The applicants being minor on the <sup>date of</sup> purported application  
were not <sup>the</sup> juris and as such not entitled for registration  
as substitutes. They have formally denied that the  
applicants were ever registered as substitutes in 1971-72.  
The Respondents have also denied the existence of any  
document like <sup>the</sup> one submitted by the applicants under  
Annexure- 1. They have further pointed out that the case  
of the applicants is contradictory, because, while they  
are claiming to have been registered substitutes, in the  
prayer they have asked for engagement against day to day  
casualiti s/vacancies. They have also averred that even  
if the applicants were ever engaged as substitutes, the  
very fact that they do not claim any engagement between  
the period 1980-81 and 1997 make them ineligible for  
being considered for engagement as substitutes in terms  
of Establishment Sl. No.244/84 (under the Heading  
Screening) which stipulates as follows :

"If a casual labour who was earlier discharged  
from service on completion of work or for  
want of further productive work has not worked  
on the Railways again in the ~~preceding~~ two  
calendar years his name should be struck off  
from the casual labour register".

The Respondents have also denied the allegation  
that any person viz. Chandra Sekhar Barik, T.N.Pradhan and

84 Nakul Bari were ever working as substitutes under Chief D.T.I., Khurda. Repudiating the chart showing stations of engagement of the applicants, the Respondents have stated that the same cannot be dependent upon, because, it does not disclose the length of engagement and/or days' of engagement of the applicants, thus making it difficult for verification. The Respondents have, by filing a reply, denied that the certificates of enrolment of the applicants during the same period between 1977-1981 are ~~not~~ authentic being not accompanied with engagement letters enrolling the applicants as substitutes issued by the Divisional personnel Officer and that on verification of records no such engagement letters were found to have been issued by the Sr. Divisional Personnel Officer. The Respondents have further stated that the substitute register maintained by the Khurda Road Division shows that the applicants were never engaged as substitutes nor were they paid any wages nor their names were taken forward in the substitute register that after 10.10.1979, the engagement of substitutes was done at the Division level with the etc.

85 approval of General Manager. For the engagement done prior to that date by the Division only wages were paid through station pay order, signed by the divisional authority and therefore, the Respondents submitted that had the applicants been engaged as substitutes their names should have been reflected in the substitute register.

6. The issue which needs to be resolved here is to determine whether the applicants are entitled to relief that they have claimed and as to whether they

were registered as substitutes by the Respondents during the year 1977. The story of the applicants is that they were registered during the year 1971-72, but were given engagement during the period 1977-81. Although to prove their point the applicants have relied on the strength of the letter of the Respondents at Annexure-A/1 as well as certificates of engagement under Annexure-A/4, the Respondents have repudiated the authenticity of both these documents. With regard to Annexure-A/1, they have denied the existence of any office file bearing Index No. "P-3/1-A". Further they have stated that even for the argument's sake this letter did exist, it could not have helped the applicants for registering themselves as substitutes, because the letter contained an instruction that the Selection Board could appoint a candidate provided he was in the age limit between 18 & 25 years. As the applicants, during the year 1971-72 are found to be within age group of 10-16 years, they could not have been registered as substitutes. As regards Annexure-A/4 the Respondents have disputed the authenticity of this document for the reason they have explained in the counter.

7. A few questions arose out of this application which have not been answered satisfactorily by the applicants, i.e., whether the Respondents could have registered some workers 7 to 8 years earlier for engagement and whether administratively it was feasible to maintain such list for years together and if the

applicants were actually engaged as substitutes sometimes in 1977, 1978, 1980 and 1981, according to their own admission, why they were not engaged till 1997, when they approached this Tribunal in the present O.A. They had for inexplicable reasons remained dormant all these years. As a result having not been engaged for so many years they could not have retained their status as substitutes in terms of Estt. I. No. 244/84 dated 12.12.1984. Thus this point remains uncontroversial. And having remained silent for so many years they are liable to lose their right to agitate the matter. It has been brought to our notice by the Respondents that similar issue came up before this Tribunal in O.A. 31/98. In that case, applicants (15 in number) claimed to have worked as substitutes on different dates in 1978 at Gurudighatia Railway Station and produced certificates of engagement from the Station Master. Thereafter neither they were engaged nor did they agitate. The Tribunal found that the period of engagement during 1978-79 was 3 to 20 days, but they approached the Tribunal 21 years after the last engagement under the Railways. The applicants could not clarify as to why they had remained silent for the last 21 years. Neither they had indicated if they had ever preferred any representation to the departmental authorities during the intervening period praying that they should be reengaged. Having regard to these facts of the case, the Tribunal held that the applicants were not entitled to get engagement under the Respondents.

8. In the instant case also the period of engagement

(notwithstanding that the certificates produced by the applicants the authenticity of which is in doubt) of the applicants were very short and that for over decade and a half they remained out of sight in the matter. It is because of the efflux of time the relevant documents/ registers became unavailable with the Respondents. The latter have, however, brought before us the register of substitutes that they are maintaining since 1997 in a bound form and for the earlier period, the documents are maintained in respective files. But the registers for the years from 1970 to 1980 were not available for good reasons. This inordinate delay in ventilating the grievance stares at the applicants and the same is incurable. Thus lies on the applicants to prove with reference to official documents in their possession the fact of their registration, to produce certificates of enrolment and to offer explanations for remaining silent for over 16 to 19 years. But they had failed to comply with these requirements of the case.

9. In view of the preceding discussions, we are of the view that the applicants in O.A.454/97 as well as in other three OAs have not been able to make out a case for any of the reliefs prayed for. Accordingly, the the four original Applications fail. No costs.

(M S//- M.R. BHATTY  
ME MEMBER-COUN

Sd/- B.N.SOM  
Vice-Chairman

By