5

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH

O.A.NO.450 of 2003
Cuttack, this the 4th day of October, 2004

Muralidhar Sahoo ..... Applicant
Vrs.
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 Tribunal or not? No

(M.R.MOHANTY)
MEMBER(JUDICIAL)

(B.N.SOM)
VICE-CHAIRMAN

6

CENTRAL ADMINISTRATIVE TRIBUNAL,
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CORAM:

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

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Muralidhar Sahoo, aged about 54 years, son of late Balakrishna Sahoo, resident of village Pahigopalpur, P.O.Bajapur, P.S.Mahanga, Dist.Cuttack, now working as Commission Bearer in Catering Unit of Puri under Assistant Commercial Manager, East Coast Railway (previously S.E.Railway), Khurda Road

.....Applicant

vrs.

1. Union of India, represented through its General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar,
2. Chief Catering Services Manager, S.E.Railway, OrissaChairman, Agricultural Scientist Recruitment Board, Krishni Anusandhan Bhawan, New Delhi 110 0012.
3. Senior Commercial Manager, S.E.Railway, 14 Strand Road, 9th Floor, Kolkata 1.
4. Assistant Commercial Manager (Catg.), S.E.Railway, 14 Strand Road, 9th Floor, Kolkata 1.
5. Divisional Railway Manager, East Coast Railway, Khurda Road.
6. Sr.Divisional Personnel Officer, East Coast Railway, Khurda Road.
7. Sr.Divisional Commercial Manager, East Coast Railway, Khurda Road.
8. Catering Inspector, East Coast Railway, S.E.Railway Hotel, Puri.

..... Respondents

Advocates for the applicant - M/s D.B.Mishra & B.Chalan

Advocates for the respondents - M/s. B.Pal & O.N.Ghosh

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ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

1. Shri Muralidhar Sahoo, now working as Commission Bearer in Catering Unit of Puri under Assistant Commercial Manager, East Coast Railway (previously S.E.Railway),Khurda Road, has filed this Original Application, being aggrieved by the inaction and lethargy on the part of the Respondent-Railways, particularly Respondent No.5, in not finalizing the result of the screening test held on 14.11.2000 and 15.11.2000 pursuant to the letter dated 1.11.2000 issued by Respondent No.6 in the matter of appointment of the applicant to a Group D category post in implementation of the Railway Board's circulars dated 22.6.1978, 6.11.2000 and 14.12.2000.

2. The case of the applicant is that he was appointed as Commission Bearer in the Catering Unit of Puri on 9.3.1983. In the combined seniority list his position is at Serial No.21. On 22.6.1978 a decision was taken by the Railway Board for absorption of Commission Bearers in regular Group D post in the Catering Department. It was in November 2000 that the Railway Board issued instruction not to make any recruitment through any channel in Group D category in the Catering Department as the vacancies in this category would only be filled up through screening/absorption of Commission Bearers. As a follow up to that, the applicant was asked to appear in the Screening Test on 14.11.2000 or 15.11.2000. But since then he has been waiting for the results.

He had met the concerned officers several times and had submitted representations in this regard, but without any result. In the meanwhile, the results of the Screening Test of Commission Bearers of headquarters at C.P.O.©, Calcutta, Kharagpur Catering Unit, and Bilaspur Catering Unit, who were screened in October 2001, February-March 2003 and May-July 2002 respectively have been absorbed in Group D posts in the scale of Rs.2550-3200/- whereas the Commission Bearers like the applicant under Khurda Road Division are yet to receive the results of the Screening Test held in November 2000. As a result, the applicant is feeling discriminated as the Commission Bearers for whom Screening Tests were held much later than the applicant have already been empanelled and have received appointment and have enjoyed the benefit of regularization for about two and half years. He has, therefore, approached this Tribunal to direct the Respondents to publish the results of the Screening Test within a stipulated period and to make appointment to Group D post within a stipulated time frame and to direct Respondent Nos. 2 to 4 to transfer the relative personal documents concerning the applicant for taking action for appointing the applicant to Group D post.

3. The Respondents in their counter admitting the facts of the case have stated that due to decentralization of the cadre of Catering Department from HQ South Eastern Railway to Khurda Road Division, the records were not available with the Divisional Office which caused delay in announcement of the result. They have also ascribed the delay to the reason that most of the candidates were

not able to produce the original documents pertaining to their initial engagement. After the East Coast Zone became functioning with effect from 2003, effective steps could be taken to collect the documents and prepare the results of the tests.

4. We have heard the learned counsel for the parties and have perused the records placed before us.

5. When the matter was taken up on 12.8.2004, Shri B.Pal, the learned Senior Counsel for the Railways had submitted that the withheld results of the Screening Tests held on 14.11.2000 and 15.11.2000 were under preparation. We had, therefore, given a direction to the Respondents to publish the results of the Screening Tests within a period of 30 days from the date of receipt of that order and also directed them to proceed with the implementation of the results of the Screening Tests by way of giving appointment to the successful candidates. Pursuant to our order, the Respondents, by filing a copy of the office order dated 20.9.2004 apprised the Tribunal that they had published the panel of Commission Bearers/Vendors who had been screened on 14th and 15th November 2000 and the Supplementary Screening Test held on 24.1.2001. Further on 4.10.2004, the Respondents disclosed, that they had published the results in full for all the candidates numbering 89, out of which 86 appeared in the Screening Test and 3 candidates remained absent. They have also submitted that the results were declared in three phases, by which 63 candidates were empanelled and 26 were not empanelled. By giving a break-up of those not

empanelled, it has been disclosed that 13 candidates were unsuccessful, 9 had retired, 1 had expired, and 3 were absent and those 26 could not be empanelled.

6. It is to be noted here that similar grievance of the Commission Bearers under the erstwhile South Eastern Railway regarding delay in publication of the results of the Screening Test was agitated before us in O.A.No.274 of 2003 and we, by our order dated 9.2.2004, had directed the Respondents, especially Respondent Nos. 6 and 7 to publish the said results within a period of 3 months from the date of communication of the order. When this matter was brought in the present O.A., we gave the Respondents another thirty days time.

7. From the above discussion, it is clear that the Respondents have completed the empanelment of all the eligible Commission Bearers and have taken action for their appointment following the prescribed procedure in this regard. With this, the relief sought by the applicant has been substantially met. As the results of the Screening Tests have been announced and the applicant has also been empanelled and the Respondents have taken action for appointing him to a Group D post, nothing survives in this O.A. for further adjudication. Accordingly, this O.A. is disposed of.

(M.R.MOHANTY)
MEMBER(JUDICIAL)

(B.N.SOM)
VICE-CHAIRMAN

AN/PS