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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.NO.1471 of 2003

Cuttack, this the 01st day of August, 2008

Gangadhar Behera Applicant
Versus
Union of India & Ors. Respondents

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



(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)



(C.R. MOHAPATRA)
MEMBER (ADMN.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.NO.1471 of 2003
Cuttack, this the day of , 2008

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

1. Gangadhar Behera, At-Jatni, Qr.No.D-2/A(Traffic Colony), Khurda Road, PO-Jatni, Dist. Khurda, Pin Code 752 056, permanent address Vill-Sorata, Po.Gumadei, Via-Gojasila, Dist. Dhenkanal.

..... Applicant

By legal practitioner: Mr.U.N.Mishra, Counsel.

-Versus-

1. Union of India represented through the General Manager, South Eastern Railway, Garden Reach Calcutta-43, West Bengal.
2. Divisional Railway Manager, South Eastern Railway, Khurda Road, Division, At/Po.Jatni, Dist. Khurda.
3. Senior Personnel Officer, Welfare, South Eastern Railway, Khurda Road Division, At-Jatni, Po.Jatni, Dist. Khurda.
4. Divisional Personnel Officer, Khurda Road, Division, South Eastern Railway, At/Po.Jatni, Dist. Khurda.

..... Respondents

By legal practitioner: Mr. B.B.Patnaik, Counsel.


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ORDER

MR. C.R. MOHAPATRA, MEMBER (ADMN.):

Applicant, Gangadhar Behera was one of the candidates, pursuant to the notification dated 28.05.1996 issued by the Railway for engagement of 907 casual labour in Khurda Road Division for monsoon patrolling for a period of 119 days or up to 30.10.1996. For the above purpose, selection was undertaken by the Respondents and the Applicant was issued with the Identity card bearing Roll No. 0084 intimating him to participate in the process of selection/interview at the place and time notified by the Railway. It is the specific case of the Applicant that he was selected to be engaged for monsoon patrolling work. But while publishing the result, the Respondent selected another person namely Amulya Dalai against the Roll No. allotted to the Applicant. His case is that repeated representations for rectification of the mistake by way of engaging him on casual basis in place of Amulya Dalai, did not yield any result. Hence he has approached this Tribunal in the present



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Original Application filed U/s.19 of the A.T.Act,1985 seeking the following direction;

"To issue necessary direction to the respondents for correction of the name of the applicant in accordance with the roll number allotted to him and to provide engagement forthwith."

2. Respondents by filing counter denied that any such eventuality had crept, in the matter of selection and publication of result. It has been averred in the counter that like the Applicant, Amulya Dalai was one of the candidates for the posts. He was also issued identity card bearing Roll No.00084. Applicant appeared at the physical test on 25.06.1996 at Sersa stadium Khurda whereas said Shri Amulya Dalai appeared the physical test at Cuttack. The Roll numbers of different places have been maintained separately placewise. In the physical test the applicant failed to be empanelled and Shri Dalai was empanelled. It has, therefore, been stated by the Respondents that the allegation of the applicant is completely baseless and afterthought. Hence, they have prayed for dismissal of this OA.

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3. Since impersonation of the name of another candidate against the Roll number allotted to the Applicant is the only ground taken by the Applicant, to unveil the truth of the matter, we called for the original records of the entire selection. Pursuant to the direction of this Tribunal, the Respondents' Counsel produced the records in a sealed cover. On perusal of the records, it is seen that the name of the Applicant bearing Roll No. 0084 finds place at Sl. No. 84 of the list of the candidates participated in the test at Sersa Stadium, Khurda and the name of Shri Amulya Dalai, bearing Roll No. 00084, finds place in a separate list of the candidates participated in the test held on 25.06.1996. It is also seen that the Applicant had secured 50 marks in all the events whereas Shri Amulya Kumar Dalai has secured 91. Except the bald allegation, the Applicant has produced no other documents in support of his contention that in his place Shri Amulya Kumar Dalai was notified to have been selected. We find no reason to disbelieve the statement of the Respondents that there was no foul play in the matter of selection and engagement of monsoon patrolling work on casual basis.

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4. This being the factual position, we find no substance in the contention of the Applicant. Hence, this DA stands dismissed by leaving the parties to bear their own costs.

K a p p a n
(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

h a p a t r a
(C.R. MOHAPATRA)
MEMBER (ADMN.)

KNM/PS.