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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO.761 OF 2005**  
**Cuttack, this the 07th Day of December, 2007**


Sri S. Sridhar Kumar..... Applicant

**Vs.**

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?

  
(C.R. MOHAPATRA)  
MEMBER(A)

  
( DR. D.K.SAHU )  
MEMBER(J)

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 761 OF 2005**

**Cuttack, this the 07<sup>th</sup> Day of December, 2007**

**CORAM:**

**HON'BLE DR. D.K.SAHU, MEMBER(J)  
HON'BLE SHRI C.R. MOHAPATRA, MEMBER(A)**  
.....

**IN THE CASE OF:**

Sri S. Sridhar Kumar aged about 36 years son of Late Sri S. Venkatasubbaiah, at present working as Caretaker of Railway Institute, Kirandul, Qr. No.19/B, Type-II, Railway Colony, Kirandul, Under Waltair Division, Vijayanagarm, Andharapradesh.

..... **Applicant**

By the Advocate(s) ..... **M/s. C. Ananda Rao,  
S.K.Behera,  
A.K. Rath.**

**Vs.**

1. Union of India represented thorough the General Manager, E.C. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Personnel Officer, E.Co. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
3. Divisional Railway Manager, E. Co. Railways, Waltier Division, At/Po Waltier, (Andhra Pradesh)
4. Railway Board represented by its Secretary, Rail Bhawan, New Delhi.

..... **Respondent(s)**

By the Advocate(s)..... **T. Rath**

8/12/07

O R D E R

DR. D.K.SAHU, MEMBER(J)

The applicant was engaged on 10.06.1992 as Caretaker of Railway Institute Kirandul, under Waltair Division of Respondents Railway Administration, a Quasi Administrative Organization of the Railway. Subsequently, the Railway Board in their instruction at Annexure-1 have made a one time scheme for absorption of the persons in engagement in such Quasi Administrative Organization as on 10.06.1997 in Group 'D' posts. Accordingly, the concerned Railway Division was asked to prepare list of such engaged persons. The name of the applicant was sponsored, but he has not been absorbed as a Group 'D' employee, so he has filed this Original Application for issuance of a direction to the concerned Railway Administration to absorb him in any vacant group 'D' post in Waltair Division.

2. The respondents in their written reply submit that the applicant has not fulfilled the stipulated requirement contained in Annexure-1 for his absorption in Group 'D' post, as on the cut-off date i.e.10.06.1997 he was not in engagement in the said Quasi Administrative Organization.

3. Relevant part of Annexure-1 reads as follow:-

"Attention is invited to Board's letter dated 30.05.2000 whereby the Railways were advised that as a one time relaxation, the railways may consider absorption of only those staff of quasi-administrative officers/organizations who were on roll continuously for a period of at least three years as on 10.06.97, and are still on roll, subject to fulfillment of prescribed educational qualification required for recruitment to Group 'D' posts. Such staff should have been engaged within the prescribed age limit."

DR. D.K.SAHU

4. It is manifest there-from that in order to be absorbed in a Group 'D' post the applicant should fulfill the following requirements :-

(a) He should be on the roll on 10.06.1997 in the Quasi Administrative Organization.

(b) By that date must have been engaged continuously for 03 years.

(c) Must fulfill the eligibility criteria for Group 'D' post on the date of such engagement i.e. he should <sup>have</sup> ~~has~~ passed 8<sup>th</sup> Class and below 28 years of age.

5. The respondents submit~~s~~ that on 10.06.1997 the applicant was not on the roll of the said Quasi Administrative Organization. Paragraph 4.2 of order at Annexure R/2 relating to Screening Test, made by the Senior Officers of the Division, reveals that the applicant Shri S. Sridharakumar was on the rolls of the said Institute from 10.01.1992 to 30.04.1995 and was not in engagement on the cut-off date. On being asked the respondents have produced necessary attendance register of the persons engaged in that institute during the relevant period. We find that on the cut-off date the applicant was not in engagement in that institute.


6. Ld. Counsel for the applicant relying on Annexure-2 the letter dated 20.11.2002 of Office of the Chief Personnel Officer, submits that the name of the applicant finds place in Sl. No.45 of that list revealing his engagement there for more than 03 years. A bare perusal of the said Annexure reveals that it contains the names of the persons who had worked for more than 03 years by the cut-off date 10.06.1997 but it does not reveal that on the cut-off date the persons were on roll of the

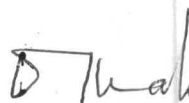
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concerned Organizations. So, Annexure-R/2 does not help the applicant. Our attention is drawn to a typed copy of a letter dated 06.09.03 attached to the rejoinder said to have been issued by the Vice President E. Co. Railway Institute Kirandul, wherein it is stated that since 10.06.1992 the applicant has been working in that institute till that date. Basically this certificate has not been annexed with the Original Application, further it is a mere typed copy without containing signature of any person, accordingly, its authenticity is not beyond suspicion. So no credence can be attached to that certificate.

7. The railway authorities after due consideration have passed the order at Annexure-R/2, that applicant was not in the roll on the cut-off date i.e. 10.06.1997 which finds corroboration from the registers submitted by them. The applicant has not submitted any authentic paper in support of his claim, that he was on the roll of that institute on the cut-off date. So, the applicant cannot avail the benefit of the railway Board's instruction at annexure A/1.

8. Thus the applicant's claim does not contain any merit. The O.A. is dismissed. No order as to costs.

  
(C.R. MOHAPATRA)  
MEMBER(A)

  
(DR. D.K.SAHU)  
MEMBER(J)