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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

OA No. 776 & 955 of 2005
Cuttack, this the 12th day of December, 2008

Alok Gumansingh & Anrs.
Versus
Union of India & Ors.

.... Applicants
.... Respondents

FOR INSTRUCTIONS

3. Whether it be referred to the reporters or not?
4. Whether it be circulated to all the Benches of the CAT or not?



(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)



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

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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)

O.A.No.776/2005

Alok Gumansingh, Aged about 24 years, S/o.Nabakishore
Gumansingh, resident of Kumbhiocapada, Singheswar,
Balugaon, Dist. Khurda.

.....Applicant

By Advocate: M/s. M/s. S.K.Mishra, M.R.Dash, M.Padhi,

- Versus -

1. Union of India represented through its General Manager,
East Coast Railway, Chandrasekharpur, Bhubaneswar,
Dist. Khurda.
2. Divisional Railway Manager, Khurda Road Division, East
Coast Railways, At/Po.Khurda, Dist. Khurda.

....Respondents

By Advocate :Mr.R.C.Rath

O.A.No. 955 of 2005

Sarbeswar Behera, aged about 29 years, S/o.Anath
Behera, resident of Village-Railway Settlement, Jatni, PS-
Jatni, Dist. Khurda.

....Applicant


By Advocate : M/s.S.K.Mishra, M.R.Dash.

-Versus-

1. Union of India represented through its General Manager,
East Coast Railway, Chandrasekharpur, Bhubaneswar,
Dist. Khurda.
2. General Manager, East Coast Railway,
Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. Divisional Railway Manager, Khurda Road Division, East
Coast Railways, At/Po.Khurda, Dist. Khurda.

.....Respondents

By Advocate :Mr. R.C.Rath.



ORDER

MR. C.R. MOHAPATRA, MEMBER (A):-

The case of the Applicants is that for filling up of all the 1012 Group 'D' posts (787 posts of Gangman in Civil Engineering Department and 225 posts in Operating Department of the Railways), vide Employment Notice No.1/98 dated 05.11.1998, the Respondent No.3 invited applications from amongst the eligible candidates through Employment Exchanges situated within the geographical jurisdiction of the Khurda Road Division. A few days after the notification dated 05.11.1998, another notice was published providing therein that those who will apply directly in response to the employment notice their applications will also be considered along with those who are sponsored by the Employment Exchange on equal footing. Applicants contend that as per the rules, selection is to be confined to the candidates who had registered their names in the Employment Exchanges located within the geographical jurisdiction of the concerned Railway Division. But the Respondents unilaterally changed the said conditions by allowing the candidates from outside the geographical territorial jurisdiction of the Railways Division. According to them, on 31.07.1998, Sambalpur Division of the Railways invited applications for filling up of certain number of Group D posts lying vacant under them. When the Sambalpur Division confined the selection to the eligible candidates who had

12 registered their names in the Employment Exchange located within the geographical jurisdiction of Sambalpur Division, the Khurda Division committed gross discrimination in allowing the candidates from outside their geographical jurisdiction and thereby squeezed the chances of selection of the Applicants. They have stated that there was no uniform policy so far as recruitment to Group D posts in Railways is concerned. It has been pointed out that the norm/criteria fixed by the Indian Railways for recruitment to Gr. D posts in the other Divisions of the Railways in the country was completely different than the procedure adopted by the Khurda Road Division and, therefore, the selection needs to be quashed. In the above background, they have approached this Tribunal in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- "i. The selection to the post of Group D I Khurda Road Division in pursuance of Annexure-1 & 2 be declared as illegal, arbitrary contrary to law and the same may be quashed;
- ii. The respondents be directed to conduct the recruitment test for Group D posts afresh in accordance with rules."

2. By filing counter, the Respondents have opposed the prayers of the Applicants by justifying their action taken for recruitment to the Group D/Gangman posts in the Railways.

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3. Heard Learned Counsel for both sides and perused the materials placed on record. It is not necessary to go into details of the matter as on similar set of facts and law this Bench of the Tribunal in its order dated 4th December, 2008 in OA Nos. 884 and 956 of 2005 relying on earlier Bench decision rendered in OA Nos. 639/2004 and OA Nos. 658-851 of 2004 filed by Himansu Sekhar Paikray & Others vs. Union of India & Ors rejected the prayers as that of the present cases. No distinguishing feature was brought to the notice in this case so as to take a view different from the view taken by this Tribunal earlier.

4. In view of the discussions made above, we find no merit in these OAs. Accordingly, these OAs are dismissed by leaving the parties to bear their own costs.

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

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