

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 777 of 1996

Present: Hon'ble Dr. B.C. Sarma, Administrative Member.

Hon'ble Mr. D. Purakayastha, Judicial Member.

1. ANANTA KUMAR MANNA, S/o Late G.C. Manna, working as a Chowkidar under CTFO (OHE), S.E. Rly, Santragachi, residing at Vill. Rakshachak, PO: Kolaghat, Midnapore.
2. SUSIL KUMAR MONDAL, S/o Late Suknath Mondal, working as a Chowkider under Dy. CEE (Con), S.E. Rly, Garden Reach, residing at Vill. North Bakshara Faridpore Block, PO: Bakshara, Dist. Howrah.

... Applicants.

-Versus-

1. UNION OF INDIA, service through the General Manager, S.E. Rly., Garden Reach, Calcutta-43.
2. The Dy. Chief Electrical Engineer (CON), S.E. Rly, Garden Reach, Calcutta-43.
3. Sr. Dvl. Personnel Officer, S.E. Rly., Kharagpur.
4. The Electrical Foreman (Con), S.E. Rly, Santragachi, Howrah.

... Respondents.

For the petitioners: Mr. A. Chakraborty, counsel.

For the respondents: Mrs. B. Ray, counsel.

Heard on: 06-11-97.

Ordered on: 06-11-97.

O R D E R

B.C. Sarma, A.M.


1. Two applicants jointly filed this application with a prayer to release them from Construction Unit to Open Line as they were declared fit for <sup>absorption</sup> ~~appointment~~ in the Railway

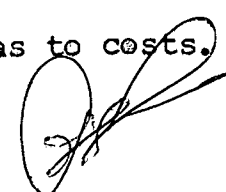
service and some juniors to them have been released already.

The applicants have been functioning as Khalasi in the Construction Unit under the same Railway since 1983. Their cases were screened for absorption in the regular Railway Service in the Open line but they have not yet been given appointment on absorption on the ground that after screening, they have not produced necessary certificates. Hence this petition. The reply has been filed by the respondents which we have perused.

2. We have heard the ld.counsel for both the parties and perused records. Considering the facts and circumstances of the case, we find even from the reply filed by the respondents that, it is clear that these two applicants were not given regular service in the Open Line for non-production of certificates required by the authorities ; therefore, no order has been passed as yet because of certain procedural difficulties. We also note that it is not for them to produce the certificates and if it is necessary, it is for the authorities to take up the matter. This is, therefore, a matter to be considered by the authorities. We are, therefore, of the view that the application may be disposed of at the stage of admission itself without passing any further order as to costs.

3. For the reasons stated above, we dispose of this application at this admission stage itself with a direction upon the respondents that within a period of 3 months from the date of communication of the Order, the respondents shall dispose of this application by treating the same as a representation and also pass appropriate order thereon keeping in view that the applicants have been successfully screened already for absorption in the Railway service and shall communicate the Order passed by the authorities to the applicants within a period of one month from the date of passing such order. No order as to costs.

  
(D. Purakayastha)  
Member(J)

  
(B.C. Sarma)  
Member(A)