

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 988 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
Hon'ble Mr. M.S. Mukherjee, Administrative Member

Shri Ramjanam, son of Late Ram Suchit,
aged about 33 years residing at 70, Sadhana
Ausadhanalaya Road, Calcutta - 48.

..... Applicant

-Versus-

1. Union of India, through the General
Manager, Eastern Railway, 17, Netaji
Subhas Road, Calcutta - 1.
2. The Divisional Mechanical Engineer(C&W),
Eastern Railway, Sealdah Division, Cal-14.
3. The Superintendent (C&W), Eastern Railway,
Chitpur, Calcutta-2.

..... Respondents

Counsel for the applicant : Mr. B. Mukherjee, Adv.

Counsel for the respondents : Mr. P.K. Arora, Adv.

Heard on : 15.11.1996 - Order on : 5.12.1996

O R D E R

A.K. Chatterjee, VC

The petitioner's father, who was a railway employee retired on attaining the age of superannuation on 30.6.82 and he made a representation to the appropriate authority in Jan., 1983 for employment of the petitioner in a Class-IV post and in that connection, also met the Divisional Mechanical Engineer(C&W), Sealdah on 31.5.83. The petitioner contends that he was even called to an interview by a letter dt.16.5.83, but no action has been taken since then to give him an appointment inspite of

representations by his father in June, 1987 and August, 1989 and a lawyer's letter dt.14.5.96. The petitioner's father had passed away on 4.9.92 leaving the family in distress. A suitable direction for appointment of the petitioner has been prayed in the present application.

2. The respondents have not filed any reply, though Mr.P.K. Arora, Ld.Advocate appears for the respondents.

3. Hearing the Ld.Counsel for both the parties and on perusal of the application, we find that no case whatsoever has at all been made out for interference by this Tribunal. The petitioners contends that he was called to an interview by a letter dt.16.5.83, which, however, has not been produced and the date of the supposed interview has remained obscure. Now even assuming that he was interviewed, it does not confer on him any right to an appointment, which can be enforced by an action like the present one. In the lawyer's letter, it was even stated that the petitioner was empanelled for absorption as a Substitute and he was assured of an employment in due course. This appears to be wild assertion and there is nothing on the record to suggest that any assurance of the nature stated by the petitioner was ever given.

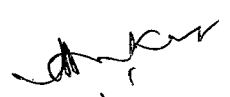
4. The petitioner has also stated that one Munsi Das, who was also a son of a retired railway employee was given an employment as a Khalasi and, therefore, it was urged that denial of employment to the petitioner would amount to arbitrary discrimination. This is a pre-prosterous contention; simply because the father of a person employed as a Khalasi happens to be a railway employee, it does not follow that children of all retired railway employees have to be appointed to avoid discrimination to the exclusion of other citizen. Indeed, if such a practice was followed,


✓

it would be clearly unconstitutional. Therefore, even if any Munsii Das, a son of a retired railway employee was given an appointment, it does not legitimise the claim of the petitioner for employment.

5. The application is devoid of any merit and must be dismissed. In fact, such applicants should be directed to pay costs for vexatious intrusion upon the time of this Tribunal and the respondent, but we refrain from passing an order of cost against him because presumably, the application was filed by him after consultation with his counsel, who unfortunately gave wrong advice instead of asking him not to indulge in such litigation.

6. The application is accordingly dismissed without, however any order as to costs.


(M.S. Mukherjee)
Member (A)


5-12-80
(A.K. Chatterjee)
Vice-Chairman