

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 1137 of 96

Date of order : 13.12.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr.M.K.Mishra, Administrative Member

KUNAL KUMAR SEN & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : None

For the respondents : Ms.R.Basu, counsel

O R D E R (ORAL)

Mukesh Kumar Gupta, J.M.

25 applicants in the present case seek direction to the respondents to regularise them in Group 'D' post in Traffic/Commercial Dept. of Sealdah Division as similarly circumstanced persons have been engaged by them vide order dated 16.9.94. Since none appeared for the applicant, we perused the OA, wherein it is contended that they were employed as substitute worker in the Traffic/Commerical Dept., E.Rly., Sealdah Division and before their joining the said post they were subjected to Medical Examination and on being found fit they were appointed. Identity cards were issued on different dates by the concerned authority from time to time and they worked in the said capacity from 1985 till 1994. Since they have rendered regular and continuous service as substitute workers and there was no allegation about their competence and suitability, they were entitled to be regularised. Despite the fact that screening test was held in 1990, they were not called in the said test but allowed to continue as substitute. They have annexed certain copies of the documents in the form of Attendance Sheet, etc. to indicate that they were genuine substitute workers with the Railways.

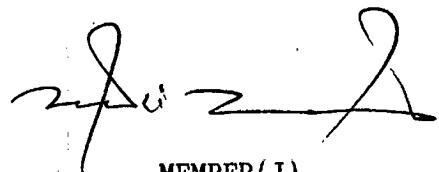
2. The respondents in their reply contested the applicants' claim and stated that the applicants have never worked at any point of time ~~in~~ ^{as} any capacity and hence their question of engagement/disengagement does not arise. The documents produced by them are false, fabricated and forged. 2 lists of substitutes were published in the Sealdah

Division in 1985 & 1990 and based on information/particulars supplied by the Station-in-charges, Sealdah Division. The applicants' names were never forwarded meaning thereby the applicants' claim is not genuine. It is contended that the substitutes are engaged against regular posts/vacancies which carry scale of pay and category and in the said case the applicants have failed to indicate the scale of pay as well as the category of posts in which they were allegedly appointed. It was further stated that in a similarly circumstanced case OA 1389/94 has already been dismissed by this Tribunal and the so-called Attendance Register annexed to the present OA is false and fabricated inasmuch as the same do not bear signature of any official. Had they really been worked in the year 1985 to 1994 they would have certainly been considered and screened by the Railways. If they were having genuine claim/grievance, why they kept quite particularly when the persons were screened in 1985 & 1990, remain unexplained.

3. We have perused the OA and heard the 1d.counsel for the respondents. No rejoinder has been filed. The contention raised by the respondents about the forged, false and manufactured documents particularly filed by the applicants remain uncontroverted. To establish the claim that the applicants had been working with the Railways since 1985 till 1994, they ought to have placed certain documents which has not been done. Such being the case, we do not find any merits in the present application and accordingly the same is dismissed. No order as to costs.



MEMBER (A)



28/2/2023

MEMBER (J)

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