

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1440 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman
Hon'ble Mr. S. Dasgupta, Administrative Member

Shri Abdul Latif, s/o Mohammad Hossain,
Vill : Kobaya, P.O. Milangarh, Dist. Malda

..... Applicant

-vs-

1. Union of India, through the Chairman,
Railway Board

&

Ex-Officio Secretary, Ministry of Railway,
Rail Bhavan, New Delhi - 110 001 ;

2. General Manager, N.F. Railway,
P.O. Maligaon, Dist. Kamrup, Assam ;

3. Divisional Railway Manager, N.F. Rail-
way, Katihar, P.O. & Dist. Katihar, Bihar;

4. Sr. Divisional Personnel Officer,
N.F. Railway, Katihar, P.O. & Dist. Katihar,
Bihar ;

5. Station Superintendent, Milangarh, N.F.
Railway, P.O. Milangarh, Dist. Malda, West
Bengal.

..... Respondents

For applicant : Mr. P.K. Munsil, counsel

For respondents : Ms. U. Sanyal, counsel

Heard on : 21.4.1998

-

Order on : 28.4.1998

O R D E R

S.N. Mallick, VC

In this application, the petitioner has prayed for a direction upon the respondents Union of India and the railway authorities for giving him an appointment in any Group-D post in the railway, preferably in Katihar Division of N.F. Railway on the ground that on 1.11.90, at about 6.42 AM while going to his father's paddy field near the railway lines between Milangarh & Harishchandrapur, he detected that at a certain

place of a railway track, fish-plate and nut-bolt joint were broken causing a gap of 2½" approximately. Immediately thereafter, Down Dadar Express was approaching the said spot and the petitioner then and there drew the attention of the Driver of the said Train by waving a red cloth (Gamcha) tied with umbrella. The train stopped and a major accident was averted. For such good job, the petitioner, who was 20 years old at that time and a school going student, was highly praised by the railway passengers as well as the Driver. The incident was reported to the Station Master, Milangarh on the same date and on the same date passed on the information to Katihar Control over telephone. The petitioner was advised by the ^{said} Station Master to apply before the General Manager (N), N.F. Railway for a job as per rules and handed him over a copy of the Driver's report. The petitioner thereafter made a representation to the General Manager, N.F. Railway on 21.11.90 asking him to provide him with a job in the railway for such services rendered by him to the railway taking into account the fact that he belonged to a poor family and had failed in the Madhyamik Examination (vide Annexure B). He also allegedly made a statement over the above incident to the Inspector of N.F. Railway on 19.3.94 (vide Annexure C). On 16.5.94, an Advocate's letter on behalf of the petitioner was sent to the Chairman, Railway Board asking him to provide the petitioner with a suitable job for his exceptional service rendered to the railway in the manner stated above (vide Annexure D).

2. Thereafter, a letter dated 30.12.94 was written to the then Railway Minister, Govt. of India by Mr. A. B. A. Ghani Khan Chowdhury, Member of the Parliament requesting him to provide the petitioner with a job for the aforesaid services rendered by him (Vide Annexure E). Annexure F is a representation

dated 1.11.95 to the then Deputy Railway Minister, Govt. of India made by the petitioner praying for the same relief. Annexure G is another letter dated 31.1.96 written by Shri A.K.M. Hassan Uzzaman, Ex-M.P. to the Railway Minister and to the General Manager, N.F. Railway making the same request on behalf of the petitioner.

3. The above representations and letters show that the petitioner has been untiringly trying to get a job under the railways for saving human life by averting a major train accident. There has been no response to those representations and letters. Atleast the record does not show that. Assuming that due to his wit and presence of mind and by his immediate action as described in paragraph-4 of the petition, a major railway accident was averted, the questions are whether the petitioner has any right to get a job under the railway for such noble act and whether there has been any infringement of his right on the part of the railway, by not providing him with a job, which can be vindicated before this Tribunal.


4. Ms.Uma Sanyal, Ld.Counsel appearing for the respondents has submitted that the present application is wholly mis-conceived as the petitioner has no right to be appointed under the railway even though he has served the railway unsolicited by taking prompt action to prevent a major railway accident, which would have occurred but for the timely action taken by him. There is nothing on record to show that the railway authorities have at any point of time promised him to provide him with a job for the above noble and heroic services rendered by him.

5. The Ld.Counsel appearing for the petitioner has tried to convince us that by the principles of promissory estoppel, the respondents are bound to provide the petitioner with a job.

6. In view of the materials on record as noted above, we do not find any substance in such contention. There is ^{also} no question of legitimate expectation on the part of the petitioner to get a job under the railway. We do not find any merit in the application, although at the same time, we cannot ignore the services rendered by the petitioner, who was a young boy at the relevant time, ~~which were~~ prompted by his conscience and good sense. There is no doubt about it that for the action taken by the petitioner, a major railway accident was averted. But we are unable to help the petitioner by issuing an order directing the respondents to provide him with a job in view of what has been stated above. Though the petitioner has no legal right to be so employed, still the respondent authorities might have considered his prayer favourably in order to encourage such services as rendered by the petitioner in the society.

7. In view of the ^{reasoning given} above, the application is dismissed ^{however, to the following observation} ~~and~~ ^{not put,} No order is made as to costs.

8. ~~However,~~ this Tribunal will ~~certainly~~ appreciate if the railway authorities consider the case of the petitioner in view of the facts and circumstances of the case and in the light of our observations as made above. We, however, make it clear that this is not a direction.


(S. Dasgupta)
Member(A)


(S.N. Mallick)
Vice-Chairman