

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 1467/96

Date of order: 01.05.2002

Present : Hon'ble Mr. B.P. Singh, Administrative Member.

Hon'ble Mr. M.L. Chauhan, Judicial Member.

Shambhu Charan Mondal & Ors.

- v e r s u s -

Union of India and Ors.

For the applicant : Mr. P.C. Das, counsel.

For the respondents : Mr. P.K. Arora, counsel.

O R D E R

M.L. Chauhan, JM

The applicants were engaged as substitutes and casual labours in civil posts under the Union of India for different periods in the year 1977 and 1978. Earlier they have filed an O.A. bearing No. 333/1988 alongwith others praying for engaging them as substitutes/casual labours as also absorption as regular substitutes and for direction upon the respondent authorities to act in accordance with the Railway Board's order. The said O.A. was finally decided by this Tribunal vide its order dated 23.8.93 directing the General Manager, Eastern Railway to appoint a screening committee for scrutiny of the documents in possession of the applicants in support of their claim and the application was disposed of. Pursuant thereby the applicants were called for screening test and for the purpose of submitting documents. As per averments made by the applicant in the application that due to non-communication of the notice by the Id. counsel for the applicants in time, they did not appear before the screening committee. As such they prayed for another chance for screening to the applicants be given as they could not appear before the screening committee on the fixed date. It has further been contended that the notice was not served upon the applicants individually but it was served on the Advocate concerned. On these facts, the applicants

have prayed that a direction be issued to the respondents to hold a screening committee and gave an opportunity to the present applicants for appearing in the screening committee.

2. We have heard Id. counsel Sri P.C. Das for the applicants and Sri P.K. Arora, Id. counsel for the respondents.

3. The respondents have contested the application by filing reply contending thereby that the applicant has no case whatsoever as they were never engaged and the documents annexed therewith by them are not genuine.

4. The only point raised by Id. counsel for the applicant is that this Tribunal had already passed similar order in O.A. No. 515/95 (Noni Gopal Das & Ors. Vs. Union of India & Ors.) decided on 17.7.96 as per Annexure-A/7 and the same benefit be also extended to them. In this O.A. while disposing of the matter, the Tribunal in para 4 has held as under:

" We have heard the Id. counsel for both the parties and also perused the application, the reply and the rejoinder together with all the annexures thereto which are before us. The main grievance of the applicants seems to be that reasonable opportunity to appear before the Screening Committee was denied to them and the screening report prepared by it was vitiated because of denial of opportunity as above. Regarding the other contention, namely defective composition of the Screening Committee or that there was impropriety in calling for certain documents from the applicant we are not satisfied and these were also not proposed at the time of hearing. The documents, which should be scrutinised for the purpose of screening, is a matter to be decided by the Committee and certainly we do not propose to restrict its discretion in this regard by giving any direction to them. However, we propose to give to the applicants another opportunity to appear before the Screening Committee except those, who have already appeared before it. We should however, like to direct that no further opportunity should be given to the applicants if they fail to respond to the notice to appear before the Screening Committee, which may be issue in pursuance of this order. We also see no ground to quash the report dated 1.8.94 already submitted by the Screening Committee after screening of candidates who had appeared before it."

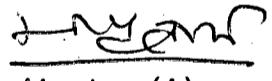
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Almost identical facts, this Tribunal in another O.A. bearing No. 664/95 (Sandip Mondal & Ors. Vs. E. Railway) has issued similar direction thereby directing the respondents to verify the documents and to consider the claim of being regularised within a period of three months from the date of receipt of the order.

5. We have gone through both these orders and we are of the view that similar direction should also be issued in the instant case. Accordingly we direct that respondent authorities to give another chance to the applicants before the screening committee for the purpose of verification of documents of the applicants and to consider their claim for regularisation, in case the same are found genuine. Such exercise should be completed within a period of three months from the date of receipt of the copy of the order. The applicants are further directed to produce all the documents with the application relating to their claim before the screening committee within a period of six weeks from the date of decision in this case. If the documents of the applicants are found genuine, they be accorded all the consequential benefits. The screening committee shall meet and consider the claims of all the applicants within a period of four months and communicate the decision to the applicants within a period of two weeks.

6. With these observations the present application is disposed of.


Member (JY)


Member (A)