

In the Central Administrative Tribunal  
Calcutta Bench

OA No.1521/96

Present : Hon'ble Mr.S. Biswas, Member(A)  
Hon'ble Mr.N. Prusty, Member(J)

- 1) Dipak Kumar Mondal, S/o Subrata Kumar Mondal, unemployed at present living in Villi & PO Moynapur, P.S. Jaypur, Dist.Bankura
- 2) Tapan Kumar Mondal, S/o Late Kumarish Ch. Mondal, Villi & PO Nutan Hat, P.S. Mangalkote, Dist.Burdwan
- 3) Chan Binod Pan, S/o Golak Ch. Pan, unemployed, at present residing at Villi Bowran, P.O. Bindira Bowran, Dist.Burdwan
- 4) Swapna Gorain, S/o Gobardhan Gorain, unemployed, at present residing at Villi Kalakuri, P.O. Tiluri, P.S. Saitora, Dist.Bankura
- 5) Promode Babu, S/o Kamailai Babu, unemployed, at present living at Villi Sahebgang, P.O. Bajavpur, P.S. Kaniganj, Dist.Burdwan

...Applicants

-Vs-

- 1) Union of India, service through GM, S.E. Rly, GRC, Calcutta-43
- 2) GM, S.E. Rly, GRC, Calcutta-43
- 3) Chier Personnel Officer, S.E. Rly, GRC, Calcutta-43
- 4) Workshop Personnel Officer, S.E. Rly, Kharagpur

...Respondents

For the applicants : Mr.B.C. Sinha, Counsel

For the respondents : Mr.S. Choudhury, Counsel

Date of Order : 29/3/2004

ORDER

Mr.S. Biswas, Member(A)

Heard the rival counsel. Went through the records, reply, and the original applications which were scrutinised and rejected as not properly filed or neither the prescribed conditions and guidelines set in the employment notification were observed.

2. Five applicants have filed a joint petition seeking appropriate directions upon the respondents so that they are called for written test/viva voce for recruitment of Gr.D staff in various units under KGP Division of S.E. Rly.

*S. Biswas*

3. The applicants had submitted their applications in response to a notification dated 27-3-96 for Gr.D posts in the scale of Rs/50-940/-, to be recruited for filling up vacancies in Diesel Loco Shed Kharagpur, Electric Car Shea/Tikiapara and Kharagpur. However, it has been alleged by the applicants that their candidature was not considered and they were not called for viva/written test in response to their application, which were duly filled and sent as they held requisite qualification and satisfied the eligibility in terms of the notification.

4. The applicants have further alleged that the said employment notification is discriminatory, as no such restriction like Kharagpur Geographical jurisdiction should have been laid down excluding others from applying in violation of the constitutional provisions regarding right for employment and so on.

5. However, the respondent authorities have disputed this allegation stating that the employment notification only prescribes the Employment jurisdiction of Kharagpur. If this was not acceptable to the applicants they should have impugned the notification which none has done. By applying for the job in accordance with these preconditions, it is not just and proper now to say that the Employment Notice is discriminatory.

6. We have considered the submissions and the reply carefully and gone through the application forms. These were dropped at the stage of scrutiny itself. Various reasons for which these were found incomplete or not in accordance with the prescribed standards and eligibility criteria set out in the notification are enumerated hereunder :

- i) Application of D.K. Mondal, applicant No.1 or the said application was rejected as Sri Mondal is a ward of a non-Railway employee whose application has to be sponsored by the Employment Exchange or the geographical jurisdiction of Kharagpur Dn.
- ii) Application of T.K. Mondal, applicant No.2 or the said application was rejected as the copies of the documents attached with the application were not attested.

iii) Application of Chana Binod Pan, applicant No.3 herein was rejected as he was neither ward or a Railway employee nor course completed Act Apprentice. Moreover he has not signed on the photograph pasted on the application.

iv) Application of Swapn Gorain, applicant No.4 herein was rejected as photo pasted on the application was not properly attested.

v) Application of Promode Babu, applicant No.5 herein was rejected as he has pasted an unsigned and non-attested photo on the application.

1. Apart from standard qualifications for all, the Employment Notice clearly envisaged in para 10 to be read with para 3 Eligibility clause that only wards of Railway employees, under the jurisdiction of Kharagpur Employment Exchange Zone (as clarified in the reply) were entertained. Certain Candidates who failed to fill up the forms as per declared guidelines as enumerated above were rejected - which action on perusal of the application forms appear to be correct. As this was merely a scrutiny of the application forms as per the instructions which have been carried out correctly, we find no reasons to interfere with the same. We find nothing wrong in prescribing employment zone and job requirement, eligibility terms. Therefore, we find no merits in the OA. The same is accordingly dismissed. No costs.

  
Member (B)

29/3/04

  
Member (A)

29/3/04