

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH:

O.A. No. 208/96

Present: The Hon'ble Mr. R. K. Upadhyaya, Administrative Member.
The Hon'ble Mr. J K Kaushik, Judicial Member.

1. Tapan Kumar Paul, son of late Satyendra Nath Paul, aged about 43 years, residing at Natunpara, PO Jethia, Halisahar, 24 Pgs. (N) working as Chargeman, Grade B(Adhoc) T. No. 4102 in the Foundry Section at Shop No. 4 Kanchra Para Workshop E. Rly, PO, Kanchrapara, Dist. 24 Parganas (N)
2. Shri Pradip Kumar Das, S/o Sri Raghunath Das, aged about 44 years, residing at Uttar Ghoshpara, Chakdaha, PO Chakdaha, Dist Nadia, working as Adhoc Chargeman 'B' T. No. 4038 in Foundry Sec. of Shop No. 4 under the Chief Works Manager, E. Rly, Kanchrapara Workshop PO Kanchrapara, Dist. 24 Parganas (N)
3. Madhusudan Saha, S/o late Kshrode Lal Saha, aged about 44 years, residing at Rly Qrs. No. 829/A New Colony, PO Kanchrapara, Dist. 24 Parganas (N) working as MCM (Regular) T. No. 4427, in the foundry Sec of Shop No. 4 under the Chief Works Manager, E. Rly, Kanchrapara Workshop, PO Kanchrapara, Dist. 24 Parganas (N)

: Applicants.

-versus-

1. Union of India, through the General Manager, E. Rly, 17 Netaji Subhas Road, Calcutta 700 001.
2. The Chief Personnel Officer, E. Rly, 17 Netaji Subhas Road, Calcutta 700 001
3. The Chief Workshop Manager, E. Rly, Kanchrapara Workshop PO Kanchrapara, Dist. 24 Parganas (N)
4. The Workshop Personnel Officer, E. Rly, Kanchrapara, 24 Pgs Dist
5. Sri D. Mandi, posted in the Foundry Sec. in shop No. 4 as Chargeman 'B' adhoc under the Chief Works Manager, E. Rly, Kanchrapara, Dist. 24 Parganas (N). He is an ST candidate
6. Sri R. Gope, (ST), posted in the Foundry Section in Shop No. 4 as Mistry/I T/Nb. 4220, in the Kanchrapara Workshop Under the Chief Works Manager, E. Rly, Kanchrapara Workshop, PO Kanchrapara, Dist. 24 Parganas (N)

: Respondents.

contd.

7. Sri S. Mandi, (ST), posted in the Foundry Section, in shop No. 4 as MCM T. No. 4420 in the Kanchrapara Workshop under the Chief Works Manager, E. Rly, Kanchrapara Workshop PO Kanchrapara Dist. 24 Parganas (N)

: Respondents.

Mr. B. Mukherjee : Counsel for the applicants.

Mr. R. K. De : Counsel for the respondents.

Date of order: 08.06.2004

ORDER

Hon'ble Mr. J.K. Kaushik, J.M

Mr. Tapan Kumar Paul and two others have filed this O.A under Sec. 19 of the Administrative Tribunals Act, 1985, wherein they have assailed the order dated 31.01.96 by which respondents 5,6 and 7 were called for the selection test for formation of panel for one post of regular Chargeman 'B'. The further prayer of the applicants is that the applicants should also be called for the selection test by a fresh order against the vacant post of Regular Chargeman 'B', which is earmarked for the general category only as per the ratio of 1 : 3 in place of respondents 5, 6 & 7.

2. We have heard the learned counsel for the parties and have carefully perused the records of this case. The learned counsel for the respondents at the very outset drawn our attention to the additional affidavit, which was filed on behalf of the respondents, narrating further developments in the matter, which goes into the root of the controversy involved. i.e. ~~Due to~~^{to} the interim order dated 13.02.96, passed by this Tribunal, the result of the



selection for Foundry Trades had been kept withheld and during the interregnum period, due to structural changes in the work-load, the sanctioned strength of the Chargeman 'B' of Foundry cadre has gone down to 3 posts from 8 posts and even at present there is one excess Junior Engineer II (redesignated post of Chargeman 'B') and thus there is no longer any need to declare the results of the impugned selection which was held on 14.02.96. Further this Tribunal also vide its interim order dated 13.02.96, directed the respondents not to publish the results.

3. On the other hand, the learned counsel for the applicants submitted that there has been lot of changes in the seniority position due to the development in the reservation system. However, he has submitted that the respondents have not placed on record any orders by which the strength of the cadre has gone down.

4. We have considered the rival submissions and have also gone through the supplementary reply filed on behalf of the official respondents. A copy of the supplementary reply was served on the applicants counsel as early as on 28.11.2002 and there is no rebuttal to the averments made in the supplementary reply. We have no reason to disbelieve the submissions made by the respondents. As there is no need to fill up any post, the respondents have chosen not to fill up the post of Junior Engineer II and they cannot be compelled to fill up the post.

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5. In the premise, we do not find any force in this O.A and the same stands dismissed accordingly. Costs made easy.

J K Kaushik

(J K Kaushik)
Member (J)

R.K. Upadhyaya

(R.K. Upadhyaya)
Member (A)

jsv.