

In The Central Administrative Tribunal
Calcutta Bench

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

OA.844 of 1997 Sushil Bhadra & 40 ors. Applicants
OA.885 of 1997 Buddhishwar Nath & 154 Ors. Applicants

- vs -

- 1) Union of India, service through the Secretary, M/o Railways, Rail Bhawan, New Delhi.
- 2) The General Manager, Eastern Railway, Fairly Place, Calcutta.
- 3) The Chief Personnel Officer, Head Quarters, Eastern Railways, Fairly Place, Calcutta.
- 4) T.T.E. Sealdah Division, Eastern Railway, Sealdah.
- 5) A.C.S. Ticket Collector, Sealdah Division, Eastern Railway, Calcutta.
- 6) The Divisional Railway Manager, Sealdah Divn., Sealdah, Calcutta.
- 7) Bharat Samaj Sebi Sangha, 144, B.B. Ganguly Stre-et, Calcutta-12.
- 8) Senior D.P.O., Sealdah Division, Eastern Railway, Sealdah.

..... Respondents

For the Applicants : Mr. S.K. Ghosh, Advocate
Mr. D.P. Bhattacharjee, Advocate
Mr. B.M. Goswami, Advocate

For the Respondents : Mr. M.K. Bandyopadhyay, Advocate

Heard on : 11-04-2000

Date of Order : 24.4.2000

ORDER

G.S. MAINGI, AM

Both these applications have been filed in July '97 and August '97 respectively. While the OA.844 of 1997 has been filed by Shri Sushil Bhadra and 40 others who claimed in the application to have worked as substitutes under the DRM, Sealdah, Eastern Railway and the OA.885 of 1997 has been filed by Shri Buddhishwar Nath and

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154 others who also claimed in the application to have worked as substitutes in the Eastern Railway. In OA.844 of 1997 the applicants have stated that they had worked under DRM, Sealdah, Eastern Railway and in OA.885 of 1997 the applicants have stated that they had worked as substitutes under Sealdah Division, Eastern Railway. Though the respondents have not filed any reply to OA.844 of 1997; but they have filed reply to OA.885 of 1997. Both these applications have been drafted by some Id. Counsel and some typing mistakes have been noted in the language of the applications and the submissions made in both the applications are identical. We have taken both these applications together. The main issue involved in both the applications is that whether the applicants will be screened for absorption in the railways or not. The applicants have stated that the question of limitation in the instant case does not arise as their screening committee did not request the Bharat Samaj Sevi Sangha (B.S.S.S.) to send volunteers for the purpose of screening and no screening was done in spite of the clear policy framed by the Ministry of Railways, Govt. of India. Therefore, both the applications can be said to be within limitation. The main submissions of the applicants in both the applications are that the B.S.S.S. is a social organisation ^{and} since 1982 has been sending volunteers and they continued to discharge duties for years together. The applicants were given certificates which were identity cards duly signed by T.T.E./Sealdah and counter-signed ^{by} by the Secretary, B.S.S.S. The Minister of State for Railways Mr. Madhav Rao Sindia issued a D.O. letter to the Minister of State for Finance, Govt. of India wherein as a matter of policy the Railway Ministry advised the Eastern Railway Administration to take each volunteer as casual labourer. The present applicants have completed 120 days working as volunteers long ago and their identity cards were renewed from time to time. Some volunteers had moved this Tribunal vide O.A.1336 of 1990 for the purpose of being called for screening and the same was disposed of with a direction upon the respondents to complete the screening within a particular period. The present petitioners who rendered lengthy years of service as volunteers to the Eastern Railway authorities were never called

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before the Screening Committee for the purpose of recruitment to Group 'D' staff. The applicants have claimed a number of reliefs in both the OAs.

2. The respondents have given reply to OA 885 of 1997 wherein they have made the following contentions :

- i) That the applicants in both the applications have claimed that they had worked as TC volunteers in the Eastern Railway under the Sealdah Division. But they have not specifically mentioned the period of their engagement as such volunteers.
- ii) That the applicants have annexed a number of forged certificates alleged to have been issued by one TTE/Sealdah wherein the period of applicants' engagement was shown between March, 1983 and October, 1983. On the strength of these forged documents the applicants have prayed for their screening and absorption in the railway.
- iii) That the applicants were never engaged either by the Railways or by any voluntary organisation to act as TC volunteers.
- iv) That the certificates issued by somebody as TTE are false and manufactured as the TTE who is a class III official has no authority to issue any such certificate to any person and the certificates are issued under seal and signature of Gazetted Officer for which the Railway Administration uses some special forms and stationeries.
- v) That the General Manager of Eastern Railway constituted a Screening Committee as per direction of this Tribunal and the Chief Personnel Officer, Eastern Railway, Calcutta also set up another screening committee to find out the volunteers who had rendered voluntary service to the railway for 120 days or more. But none of the applicants in both the OAs appeared before any of the aforesaid two Screening Committees. Therefore, their names were not placed in the



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screened list of the volunteers prepared by the said Screening Committee.

- vi) That two screening lists were prepared by the railway authorities but those were never challenged by the applicants in both the OAs.
- vii) That there is no record in the Sealdah Division of the Eastern Railway that these applicants were ever engaged for rendering voluntary service under the banner of the B.S.S.S. during the relevant period.
- viii) That some volunteers engaged by Volunteers' organisation were paid by the Railways through the Voluntary Organisation for the purpose of disbursement by them to the recruited volunteers.
- ix) That a number of OAs had been filed which were dismissed by this Tribunal the details of which are given as under:

OA.No.871 of 1992 (Ajay Chandra Biswas and Ors. - Vs - U.C.I. & Ors.), OA.No.6 of 1992 (Chinmay Das and Ors. -Vs- U.C.I. & Ors.), O.A. No.7 of 1992 (Goutam Sarkar and Ors. -Vs- U.C.I. & Ors.), OA No.470 of 1992 (Suvankar Chaki and Ors. -Vs- U.C.I. & Ors.), O.A.No. 101 of 1990 (Bhagirat Joardar and Ors. -Vs- U.C.I. & Ors) and OA No.1115 of 1993 (Sadhan Krishna and Roy and Ors. -Vs- U.C.I. & Ors.).

Lastly, the respondents have stated that the applications are hopelessly barred by limitation as these applications have been filed in the year 1997 after a lapse of 14 years. It has also been clarified by the respondents that the railways never directly engaged any volunteer but whenever required they were deployed through the voluntary organisation. It has further been pointed out by the respondents that 503 volunteers had actually worked in the Sealdah Division out of which 49 volunteers belonged to B.S.S.S. organisation.

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3. Both the OAs were listed for hearing on 11-4-2000 when applicants were represented by Id. Advocate Mr. S.K. Ghosh leading Mr. D.P. Bhattacharjee and Mr. B.M. Goswami, Id. Advocates and the respondents were represented by Id. Advocate Mr. M.K. Bandyopadhyay. Both the parties have argued their case very well. Id. Advocate Mr. Ghosh for the applicants contended that all the applicants had worked as TC volunteers and for this very reason they should have been subjected to screening and given Group 'D' jobs. Id. Advocate Mr. Bandyopadhyay for the respondents vehemently argued that the applicants were never utilised as volunteers in the Railways. So, question of calling them for screening for the purpose of absorption in the Railways does not arise. It is found from the legal provision in sub-para (iv) of paragraph 5 ^{from 4th OA} where the applicants have claimed that they have been working as volunteers for railway ticket checking for the last 11 years and more and again in sub-para (vi) they have claimed that they had rendered voluntary service for more than 10 years. From the certificates, so far issued by some TTE, it is seen that the applicants had worked 4 to 5 months only at a time in 1983. So their contention that they had worked for more than 11 years is not supported by any documentary evidence and the documents which they have produced are vague and manufactured, according to the respondents. One of the OAs decided by this Tribunal was that the Screening Committee should be set up. The respondents have clarified in their reply to OA 885 of 1997 that as per Tribunal's direction the Screening Committee was set up; but none of the applicants appeared before the said Committee. Another point highlighted by the respondents is that the TTE has no authority to issue any certificate or identity card etc. The job of a TTE is to examine train ticket. How can he issue this certificate? And if somebody has done it, it is undesirable and objectionable.

4. We have gone through the applications as well as the reply very carefully. We are satisfied with the contentions of the

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respondents that both the applications are hopelessly barred by limitation. We are also satisfied that no appropriate case has been made out by the applicants in these applications. We, therefore, dismiss both the applications on merits as also on the ground of limitation. No order is passed as to costs.

G. S. Maingi
24.4.2000

(G.S. Maingi)
Member(A)

H. D. Purkayastha
24.4.2000

(D. Purkayastha)
Member(J)

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