

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A. No.964 of 1997

Present : Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Mr. S. Biswas, Administrative Member

Sri Subrata Choudhury, S/o Sri Dulal Choudhury who was an Ex-Ticket Seller in the South Eastern Railway, Kharagpur Division residing at P.O. & Vill. Talbagicha, Debnathpara via Kharagpur Dist. Midnapore, Pin-721396 W.B.

... Applicants

VS

1. Union of India service through the General Manager, S.E. Rly., Garden Reach, Calcutta-43

2. The Divisional Railway Manager, S.E. Rly., Kharagpur, P.O. Kharagpur, Dist. Midnapore

3. Sr. Divisional Personnel Officer, S.E. Rly., Kharagpur, P.O. Kharagpur, Dist. Midnapore

... Respondents

For the Applicants : Mr. B. C. Sinha, counsel
Mr. P. C. Das, counsel

For the Respondents : Mr. K. C. Saha, counsel
Mr. S. K. Sengupta, (Sr.) counsel

: : Date of order: 14-01-2003

ORDER (Oral).

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

In this application the applicant has prayed for the following main reliefs :

a) Direct upon respondents to quash and set aside the impugned Employment Notice No.E/ERCT/GR-D/SAF/96 South Eastern Railway, Kharagpur dated 7.6.96; and

b) Direct upon the Respondents to give opportunity to the retired employees' sons for making application directly if in future any vacancy occurs or selection is made in the post of Group 'D'.

2. We have heard the learned counsel for the parties and perused the relevant documents ¹⁸ and records.

3. The impugned Notification is the publication in the Employment Notice issued by the respondents from the office of the DRM(P), Kharagpur dated 07.06.96. This is on the subject of open market recruitment of Safaiwalas. By this Notice applications were invited for the post of Safaiwalas in Group 'D' category for Kharagpur Division and Workshop, Kharagpur, S. E. Railway. Certain conditions were mentioned in the Notice. Para 3 of the Notice provides that wards/immediate dependants of serving Railway employees as on 1.1.96 who fulfill the eligibility conditions may submit applications in prescribed proforma duly filled in, addressed to the authority mentioned therein by 5.7.96 which was the last date. In paragraph 4.5 of the OA the applicant has stated, inter alia, that he made a representation on 25.6.96 before the concerned authority to send him a proforma at his residence for making application for the post of Group 'D'. The applicant has stated that his father who was an ex-Ticket Seller has retired from service on 31.10.89, whereas the Notice in question ~~has~~ related to wards/immediate dependants of serving employees. Learned counsel for the applicant initially submitted that the applicant had submitted an application form as prescribed in the Notice, but later withdrew the statement, stating that he had made such an application by his representation dated 25.6.96, which was within the last date prescribed for submitting the applications in the Notice dated 7.6.96. He has relied on paragraph 179(b) of IREM Vol.I p.38 which however, refers to applications from sons/immediate dependants of serving Railway employees. As the applicant has submitted that his father has retired from service in October, 1989, this paragraph ^{of IREM is} cannot assist the applicant.

4. It is further noticed that the so called application made by the applicant dated 25.6.96, in pursuance of the aforesaid impugned Notice dated 7.6.96 asking the authorities to consider his case and to send him the copy of the proforma to his residence

so that he can take necessary action in the matter, clearly shows that he has not submitted the necessary application in the proforma. The learned counsel for the respondents has submitted that the applicant had not submitted any application and in any case, there was no bar to him to apply through the Employment Exchange like other candidates, which he has not done.

5. Learned counsel for the applicant has prayed that even if it is considered that he has not submitted his application in the proper form as required under the impugned Notice dated 7.6.96, a direction may be given to the respondents to give him an opportunity as ward of a retired employee for making an application directly in any future vacancy. This prayer is vague and no such direction can be given as to in what manner the respondents should act in future at this stage.

6. Having considered the relevant facts and circumstances of the case we also do not find any justification to interfere in the case or to set aside the impugned Employment Notice dated 7.6.96. It is clear from the aforesaid facts that the applicant has not submitted any proper application for the post in question and the submission of the learned counsel for the applicant is an after-thought as the so called application dated 25.6.96, cannot be considered as a proper application in terms of the Notice dated 7.6.96.

7. For the reasons given above we find no merit in the application which accordingly fails and is dismissed.

No order as to costs.

S. Biswas
(S. Biswas)

MEMBER (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

VICE-CHAIRMAN (J)

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