

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1380 of 1997

Date of order : 22.5.06

Present: Hon'ble Mr.M.R.Mohanty, Vice-Chairman
Hon'ble Dr.A.R.Basu, Administrative Member

SUJIT KR. JANA & ORS.

VS

UNION OF INDIA & ORS.

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

For the respondents : Ms.U.Bhattacharyya, counsel

O R D E R

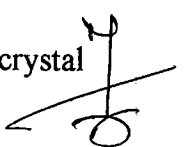
M.R.Mohanty, VC

Applicants, 56 in number, have claimed that they were engaged as substitutes in the E.Rly., Sealdah Division of E.Rly. in the year 1984-85. In this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985, they have, in essence, prayed for issuance of directions to the Respondents to re-engage them/absorb them in regular establishment of the Railways.

The case of the Applicants for re-engagement (who have claimed to have been engaged in the Railways during the year 1984-85) appears to be grossly barred by limitation; for they have filed this present Original Application in the year 1997.

The Applicants have filed certain documents to substantiate that they were engaged in the year 1984-85 and that they continued to represent for their re-engagement.

2. By filing a reply, the Respondents/Railways have disputed the very engagement of the Applicants. It is the case of the Respondents that the Applicants were never engaged, in any capacity, at any point of time under the Respondents. It has positively been stated in the reply that after a thorough examination of the scripts of each of the representations (copies of which have been filed as Annexures to the OA) it is crystal



clear that all those representations have been typed in the same typewriter and consecutively, etc.

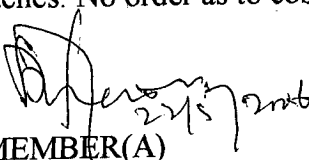
In essence the Respondents have not only denied the claim of the Applicants relating to their very engagement under the Railways, but they have also made positive assertions that documents, on which the Applicants have relied, are to be not genuine.

The Respondents have pointedly stated in their reply that Photostat copies of the working/service certificates and Identity cards filed as Annexures to the Original Application (in support of the case of the Applicants) to be fake/manufactured/forged/fabricated documents.

3. No rejoinder has been filed by the Applicants in giving answer to the statements made pointedly against them in the reply of the Railways.

4. In the aforesaid premises, after hearing the counsel appearing for both the parties, we refrain to interfere in the matter. The onus, of proving their case, having shifted back to the Applicants, they should have at least filed a rejoinder in this case; which they have not done. On the face of unrebutted statements of the Respondents, as made in the reply, we are inclined to hold that the Applicants have miserably failed to make out any case in their favour.

5. In the aforesaid premises this Original Application is dismissed both on merit and also on the ground of limitation; as successive representations cannot cover delay and laches. No order as to costs.


MEMBER(A)
in


VICE-CHAIRMAN