

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH**

**O.A.434 of 1997**

Date of order: 27.11.2009

**Present : HON'BLE MR K.V. SACHIDANANDAN, VICE-CHAIRMAN  
HON'BLE MR. CHAMPAK CHATTERJI, MEMBER (A)**

**MONTU DUTTA CHOUDHURY & ORS.**

- V E R S U S -

UNION OF INDIA AND ORS.  
(EASTERN RAILWAY)

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

**For the respondents : Mr. P.K. Arora, counsel.**

**O R D E R(Oral)**

**Per Mr. K.V. Sachidananda, VC.**

Ld. counsel for both parties are present and heard.

2. In this application there are 521 applicants who are claiming screening and empanelment in the live register.

3. Ld. counsel for the applicants has submitted that he has not received any instruction from the applicants except applicant No. 1 Shri Montu Dutta Choudhury and he, therefore, does not press this O.A. in respect of applicant Nos. 2 to 521.

4. Accordingly, the names of the applicant Nos. 2 to 521 be deleted from cause title and this application is confined only in respect of applicant No. 1.

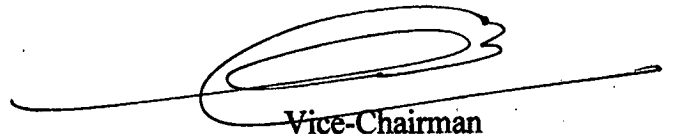
5. The case of the applicant is that he worked as substitute in the railways against regular pay scale and had completed more than 120 days of work and thus acquired temporary status. He made representation repeatedly for grant of temporary status and empanelment in the live register for future absorption. It is stated that in a similar matter being O.A. 1099/93 (Sukumar Roy and Ors. Vs. Union of India and Ors.) this Tribunal vide its order dated 31.3.94 had granted the benefit for enlistment. It is stated that the applicants are similarly situated but his case has been ignored and his representation in this regard has not been replied to. He has, therefore, prayed for enlistment in the approved list of substitutes for screening and appointment against regular vacancy.

6. The respondents have filed a reply. They have denied that any representation has been filed by the applicant. Moreover, the applicant claimed to have worked in the year 1983 whereas he has approached this Tribunal in 1997 and this case is also barred by limitation. It is further stated that the documents attached to the application in support of the claim of the applicant are all fake and fabricated. It is also stated in para 13 that the sanctioned strength of the Office of Senior SM, Sealdah is 650 for Class-III category and 245 for Class-IV category whereas this application was filed by 521 applicants. Therefore, it is unconceivable that they were all employed as substitutes. Moreover, the applicants have also not disclosed against which posts they were engaged as substitutes.

7. We have considered the matter. Now that the application is confined only in respect of one applicant i.e. applicant No. 1. Therefore, we are of the view that justice will be met if a direction is given to the competent authority i.e. Respondent No. 2 or any other competent authority to consider the case of applicant No. 1 and re-consider the entire issue and pass appropriate speaking order and communicate its decision to the applicant within a period of three months from the date of receipt of this order. The applicant may be granted personal hearing for which he may make appropriate representation to the said authority. The O.A. is disposed of accordingly. No costs.



Member (A)



Vice-Chairman