

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 438 of 1997

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member  
Hon'ble Mr. M.K. Mishra, Administrative Member

2.

Goutam Ahir

-VS-

Eastern Railway .

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents: Mr. Ms. S. Sinha, Counsel

Date of Order : 07-12-2004

ORDER

MR. MUKESH KR. GUPTA, JM

By the present application the applicant seeks direction to the respondents to absorb him in Group 'D' post in Sealdah Division, Eastern Railway on the basis of temporary status gained by him and other consequential benefits. It is contended that vide communication dated 4-9-1990 the applicant was directed to appear for screening test of unapproved substitutes in Traffic and Commercial Department & had been screened and his name appeared at Sl.No. 29. Yet he has not been regularised, as contended by Mr. Biswas, Ld. Counsel for the applicant. The respondents in their reply have stated that the applicant claimed to have worked as substitute, but Annexure-A/1 document, appended by the applicant, shows him as a casual labour which are two distinct and separate categories. In the year 1985, after screening, the list of approved substitutes was published, inviting objections within a month for non/wrong inclusion of name. But the applicant did not raise any objection, and

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he raised his objection in the year 1997. In paragraph 12 of the reply it has been specifically stated that the applicant, being rank outsider and totally imposter and <sup>was</sup> never appointed or engaged or utilised in the Railway. Therefore, the question of absorption did not arise.

2. We have heard Ld. Counsel for both the parties and perused the pleadings. No rejoinder has been filed to the reply filed by the respondents. The specific plea of the <sup>the applicant being rank</sup> respondents in respect of outsider and imposter has not been denied by the applicant. A perusal of the communication dated 4-9-1990, on which reliance has been placed by the applicant, only shows that the list was prepared so that the candidate could be called for screening test which was scheduled to be held from 16-8-1990 to 31-8-1990. The respondents have categorically stated particularly in para 9 that the applicant <sup>name</sup> was not found in the paid vouchers and that is why he was not called for screening test. In view of above, since the applicant was not called for screening test even in the year 1990, the present application which was instituted on 23-4-1997 is not maintainable in law, particularly even the applicant stated that he had worked in the year from 1974 to 1976 and raised the issue belated in the year 1997 without any justified ground. Accordingly, the O.A. is dismissed.

  
Member (A)

  
Member (J)