

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**



O.A.350/1083/2014
M.A.350/259/2014

Order dated: 05.03.2019

**Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Indrojit Mahato
Son of Jhandu Mahato
Residing at Village – Chandudiya Dakshin,
P.O. – Chanduriya Chakdaha,
District – Nadia, Pin – 741 248.

..... Applicant.

Versus

1. Union of India,
Service through the General Manager,
Eastern Railway,
17, Netaji Subhas Road,
Having its office at 3, Koilaghata Street,
Kolkata – 700 001.
2. Divisional Railway Manager
Sealdah Division,
E. Railway,
Kolkata – 700 012.

..... Respondents.

For the applicant : Ms. K. Bhattacharyya, Counsel

For the respondents : Mr. A.K. Guha, Counsel

ORDER (Oral)

Per : Bidisha Banerjee, Judicial Member

O.A. has been filed in 2014 to seek the following reliefs:

"8.(a) The respondents authority directed to absorb in the 'Gangman' post immediately to the applicant.

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(b) To issue mandate the respondents authorities to produce the entire records relating to this case before this Hon'ble Tribunal so that conscionable justice may be done.

(c) To pass such other order or further order or orders as to Your Lordships may deem fit and proper."

2. The M.A. has been filed alongwith the O.A., preferred in 2014 with the following prayer "Condone the delay from January, 2003 till date of applying of the OA." (without showing sufficient cause for the delay.)

3. The admitted facts as per pleadings are the following:

"As per Railway Bd's directive a special Drive was taken out in the year 2008, to absorb license porters as Gangman in the Railway. Accordingly, authenticated list from the Commercial department, of genuine license ports were received. On receipt of the list, screening was conducted by the appropriate screening committee. After completion of screening, nearly 1230 (one thousand two hundred thirty) license porters were engaged as Gangman. 320 porters were not engaged due to over age, which is over 50 years of age.

The applicant Sri Indrajit Mahato, has mentioned in the application that his badge No. is 1576, it appears from the records that one Sri Indradeo Mahato son of late Jhagru Mahato, holding badge No. 1576, appeared before the screening committee but his candidature was cancelled due to age bar.

The applicant has also annexed his sparing letter of 16.5.08 from the Station Master/ Simurali wherein the name is mentioned as Indra Mahato, badge No. 1576. He has annexed photocopy of one 2nd Class pass No. A105691 which was also issued to one Indradeo with badge No. 1576.

The crux of the case appears to be that if Indrajit Mahato and Indradeo Mahato are one and same person, then his appeal stood rejected due to age bar."

4. The respondents have categorically brought out the following discrepancies due to which they contend that the applicant does not deserve any relief:

(i) In the sparing letter dated 16.05.2008 issued by SM/ Simurali, the name of the badge holder of badge No. 1576 was only Indra Mahato.

ii) As per Voter Identity Card the electrons name is Indrajit Mahato and father's name is Jhadu Maahato and date of birth is mentioned as 1955.

iii) In the renewal receipt of badge no. 1576 dated 02.01.2013 bearing No. 297182 the name is mentioned as Indro Mahato.

iv) In the Railway Medical Card bearing No. 08/RHA/HU, the owner's name is mentioned as Indradeo Mahato.

v) One 2nd Class pass No. A105691 which was issued to Indradeo, badge No. 1576.

vi) In the renewal receipt of badge no. 1576 dated 06.01.2014 bearing No. 297184 the name is mentioned as Indro Mahato.

Further that candidature of holder of Badge No. 1576 of Simurali Station was rejected due to age bar over 50 years.

Such rejection was intimated to DCM/IC/SDAH on 17.06.2009, for appraisal of the concerned applicant."

5. The applicant has responded to the reply by way of his rejoinder but failed to bring out any justifiable facts and documents which would tempt us to take a different view.

6. Accordingly the claim being a stale one and untenable, fails. Both O.A. and M.A. are dismissed. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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