

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/935/2016

Date of order : 11.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. N Neihial, Administrative Member

1. Indrajit Sen,
Son of Late Siddhi Pada Sen,
Aged about 36 years,
Residing at South Deshbandhupara,
Beside Himachal Sangha Club,
Post Office – Siliguri Town,
Police Station – Siliguri,
District – Darjeeling, Pin – 734004.
2. Prabhakar Gupta,
Son of Late Sashi Nath Gupta,
Aged about 26 years,
Residing at Khudiram Colony, Subhash Pally,
Post Office – Siliguri Town,
Police Station – Siliguri,
Dist. Darjeeling, Pin-734004.
3. Nitish Kumar,
Son of Sri Sajjan Tanti,
Aged about 23,
Residing at Railway Central Colony,
Quarter No.35/A,
Post Office & Police Station – Bhaktinagar,
District – Jalpaiguri, Pin 734007.
4. Nitish Kumar Sharma,
Son of Dinesh Sharma,
Aged about 20 years,
Residing at residing under C/O Bajrangi Sharma,
Vill. Ho-Chi-Min Nagar, Upper Bagdogra,
Post Office & Police - Bagdogra,
District Darjeeling, Pin-734014.
5. Gorakh Prasad,
Son of Sri Raghav Prasad,
Aged about 33 years,

Residing under C/O Manoj Singh,
Central Colony, Qtr. No. 37/B,
Post & Police Station – Bhaktinagar,
District – Jalpaiguri.

..... Applicants.

Versus

1. Union of India,
represented through The General Manager,
North East Frontier Railway,
Maligaon, Guwahati,
Assam Pin - 780 011.
2. The Chief Personnel Officer,
North East Frontier Railway,
Maligaon, Guwahati,
Assam, Pin – 780011.

..... Respondents.

For the applicant : Mr. B. Chatterjee, counsel

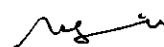
For the respondents : None

O R D E R(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

The applicants claim the relief in the form of a direction to the respondents to appoint them as substitutes in Group 'D' posts. It is stated that the respondents have enlisted the applicants herein for the years 2008 to 2013 for "substituted service" and despite of repeated requests and representations, no steps have been taken.

2. The respondents filed counter affidavit opposing the O.A. It is stated that there is no practice of engagement or appointment of




substitute in the Railway service and it is only in some cases that substitutes are engaged depending upon the exigency of service. It is also stated that neither their applications were found nor any list was maintained.

3. We heard Mr. B. Chatterjee, learned counsel for the applicants. None appears for the respondents.

4. The applicants are not able to state that there exists any rule *providing for appointment of substitutes*. The plea of the applicants that their names have been listed is flatly denied by the respondents. Though it is stated across the bar that respondents appointed some persons on substitution basis, we cannot take the same into account in absence of any pleadings.

4. We do not find any merit in the O.A. and accordingly it is dismissed. There shall be no order as to costs.


(N. Neihsal)
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman