

D/L.15.
August 2, 2024.
MNS.

WPA No. 7949 of 2023

Bhaba Sindhu Mahalder and Others
Vs.
Union of India and Others

Mr. Shiba Prasad Bhattacharjee

... for the petitioners.

Mr. Dwijadas Chakraborty

...for the Railway Authorities.

The petitioners seek directions for permanent appointment in the category of casual substitute Group-D labours in all the Railway divisions. It is alleged on behalf of the petitioners that they have been working as labourers in different stations under the Sealdah Division between the period 1975 and 1996.

It is also alleged on behalf of the petitioners that notwithstanding having submitted submitting necessary documents, the respondent authorities have failed to consider the case of the petitioners.

The petitioners had in an earlier proceeding, being OA No. 1099 of 1993, before the Central Administrative Tribunal raised the selfsame issue. However, the petitioners were

unable to prove any engagement by the Railway Authorities. The petitioners are also unable to produce any Certificate regarding physical fitness issued by the medical authority of the Eastern Railway. The petitioners could not also produce their initial Identity Card, Ration Card, Employment Exchange Card or any working certificate issued by any of the Railway Authorities. The said application was disposed of by an order dated March 31, 1994 wherein the Central Administrative Tribunal had directed the respondent statutory authorities to scrutinize and dispose of the applications of the petitioners after providing the petitioners with an opportunity of hearing.

On behalf of the respondents, it is submitted that none of the petitioners had have worked under the respondents. It is also submitted that the petitioners have failed to submit any documents to demonstrate that they have been engaged by the respondents.

The present petition has been filed after a lapse of 30 years and the claim of the petitioners are false and ill-motivated. In such circumstances, the writ petition is liable to be dismissed and no order need be passed.

Admittedly, this is the second round of litigation between the parties. The grievance of the petitioners for permanent employment had been raised as far back as in 1993. By an order dated March 31, 1994, passed by the Central Administrative Tribunal, the respondent authorities had dismissed the claim of the petitioners by a speaking order and held that the petitioners were unable to sustain and justify their claims. Significantly, by the said order the Railway Authorities had found that the entire claim of the petitioners was based on fake and manufactured documents. None of the documents relied on by the petitioners were ever shown to the Railway authorities. The petitioners have not been able to justify their stand in respect of being employed under the Eastern Railway and no engagement documents have been produced by them. Notwithstanding a categorical direction issued by the Central Administrative Tribunal, the petitioners have been unable to establish their claim.

The writ petition is also not maintainable on the ground that the petitioners have an adequate alternative statutory remedy before the Central Administrative Tribunal.

In view of the above matter, there is no merit in the writ petition and the same is dismissed both on the ground of maintainability and on merits.

Accordingly, WPA No. 7949 of 2023 stands dismissed.

(Ravi Krishan Kapur, J.)