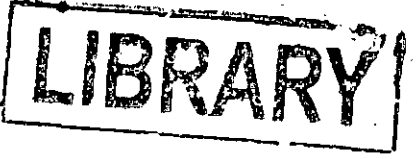


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH



No. O.A. 350/1466/2019

Date of order: 26.2.2020

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

Soumen Kanti Das,
Son of Late Shyamal Kanti Das,
Residing at H/No.73/65/1,
Kaushallya, Ward - 28,
(Near Silver Jubilee School),
P.S. Kharagpur, (T),
Dist. - Midnapur (W),
West Bengal - 721301.

..... Applicant



- V E R S U S -

1. Union of India,
Service through the General Manager,
South Eastern Railway,
11, Garden Reach,
Kolkata - 700 043;
2. Deputy Chief Electrical Engineer,
Workshop, Kharagpur,
South Eastern Railway,
Midnapore (West),
West Bengal,
Pin - 721 301.
3. Chief Works Manager,
Workshop,
Kharagpur,
South Eastern Railway,
Midnapore (West),
West Bengal,
Pin - 721 301.
4. Workshop Personnel Officer,
Workshop,
Kharagpur,
South Eastern Railway,
Midnapore (West),
West Bengal,
Pin - 721 301.

Asst

5. Deputy Chief Mechanical Engineer (Production),
Workshop,
Kharagpur,
South Eastern Railway,
Midnapore (West),
West Bengal,
Pin - 721 301.

6. G.C. Gain,
Technician-I,
Ticket No. 51176,
Under SSE/TL/51/WS/KGP,
Switchgear Section Train Lighting Shop No. 51,
Workshop,
Kharagpur,
South Eastern Railway,
Midnapore (West),
West Bengal,
Pin - 721 301.



... Respondents

For the Applicant : U.K. Jana, Counsel

For the Respondents : Ms. D. Nag, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) An order be issued upon the concerned respondent directing them to cancel and/or set aside the notification dated 09.1.2019 under No. SER/P-KGPW/EL/A/210/JE/Elect/Selection/IAM/107 by way of cancelling the name of the private respondent i.e. respondent No. 6 bearing under Serial No. 9 with immediate effect as per the provisions of Rules.
- (b) An order be passed directing the concerned respondent authorities to consider the representations dated 12.9.2019 and 14.9.2019 made by the applicant and dispose of the same by passing a reason order after giving an opportunity of hearing to the applicant within a stipulated period of time.
- (c) An order be passed directing the concerned respondent to produce the entire records in connection with their case so that conscionable justice may be administered.
- (d) Cost of and incidental to this application be paid by the respondents.

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- (e) Any other order or orders, direction or directions as your Lordships may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at admission stage.

3. The facts, in brief, are that the applicant was provisionally appointed as Gr. 'D' as Khalasi on 26.6.1998. On 7.1.2017, a notification was issued for selection in the post of JE against 25% Intermediate Apprentice Quota in Electrical Unit, and, on 29.4.2018, certain additional eligibility criteria were included in the said notification. The applicant appeared in the written examination. A panel of 10 successful candidates was published on 9.1.2019 wherein the name of the private respondent No. 6 appeared at Srl. No. 9 but the applicant's name was not found in such panel.

The applicant obtained certain information through RTI, wherefrom it transpired that, whereas, the private respondent had obtained 59.5 marks in the written examination, 33.5 marks for professional ability as well as 5 marks for records of service, the applicant on the other hand, had obtained 58.5 marks in written examination, 34.5 marks against professional ability and 3 marks for records of service respectively.

The applicant prayed for further details on ascertaining the process of awarding marks on service records, and, thereafter, fortified with such information, represented to the respondent authorities on 14.9.2019, which remains pending for disposal.

Ld. Counsel for the applicant would urge that the applicant will be fairly satisfied if a direction is issued on the concerned respondent authorities to dispose of the pending representation in a time bound manner.

4. As Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law, the respondent No. 4, who

Ans

is the addressee of such representation, or any other competent respondent authority, is hereby directed to dispose of the representation of the applicant at Annexure A-8 to the O.A., if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order.

The authority concerned should decide in accordance with law and convey such decision in the form of a reasoned and speaking order forthwith to the applicant thereafter.

5. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP