

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

No. O.A. 1431 of 2019

Date of order: 19.2.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Purna Chandra Sarkar,  
 Son of Subhas Chandra Sarkar,  
 Aged about 34 years,  
 Unemployed,  
 Residing at Village and Post of Mothabari,  
 District - Malda,  
 Pin - 732 207.

.... Applicant

## - V E R S U S -

1. Union of India,  
 Through the General Manager,  
 Eastern Railway,  
 Fairlie Place,  
 Kolkata - 700 001.
2. The Principal Chief Personnel Officer,  
 Eastern Railway,  
 Fairlie Place,  
 Kolkata - 700 001.
3. The Chairman,  
 Railway Recruitment Cell,  
 Eastern Railway,  
 C.R. Avenue,  
 Kolkata - 700 012.

... Respondents

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. H. Ghosh, Counsel

**O R D E R (Oral)****Per Dr. Nandita Chatterjee, Administrative Member:**

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(i) An order do issue directing the respondents to grant appointment in favour of the applicant in Group D post as per medical fitness in connection with the selection process advertised through employment notice no. 0113 dated 04.10.2013."

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

3. Ld. Counsel would submit that the applicant had responded to Employment Notice No. 0113 and had offered his preference in five categories of posts against the said notice. The applicant qualified in the written test, PET and his document verification was also declared as successful. He was found medically fit in the A-2 category and was posted as Shuntman/E.Railway/Asansol. The applicant was also provisionally empanelled for appointment in Gr. 'D' post of Helper Mechanical Diesel.

That, in 2018, the applicant was once again asked to appear in the remedical examination for appointment to the post of Shuntman. He appeared in the re-medical examination, but, as he was not declared fit in A-3 category, his posting order in Shuntman category was cancelled.

The applicant represented to the authorities on 2.9.2019 praying for appointment in Gr. 'D' post on the ground that such re-medical examination is relevant only with respect to employees who are in service, and hence would not be applicable in case of the applicant.

His representation, however, remains pending at the level of the respondent authorities and as the final panel did not include his name, being aggrieved, the applicant has approached this Tribunal for relief.



4. Ld. Counsel for the respondents would draw the attention of the Bench to Annexures A-2 (pages 23, 24 and 25 of the O.A.) to argue that the applicant refused to attend the re-medical examination despite notice dated 4.1.2018, and, consequently, has no locus to approach this Tribunal praying for appointment.

5. Both Ld. Counsel, however, would argue that this O.A. may be disposed of by directing the respondent No. 3, who is Chairman, RRC, Eastern Railway, Kolkata to dispose of the representation in a time bound manner.

6. Accordingly without entering into the merits of the matter, and, with the consent of the parties, we direct respondent No. 3, who is Chairman, RRC, Eastern Railway, Kolkata, to consider the prayer of the applicant dated 2.9.2019 (if received at his end), in accordance with law, and, to decide thereupon within a period of 8 weeks from the date of receipt of a copy of this order.

Decision arrived at should be conveyed to the applicant in the form of reasoned and speaking order forthwith thereafter.

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

*(Dr. Nandita Chatterjee)*  
*Administrative Member*

**SP**