

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

**LIBRA**

No. O.A. 350/00492/2020  
M.A. 350/00298/2020

Date of Order: 15.10.2020

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

1. Sumer Singh Meena,  
Son of Chuttan Lal Meena,  
Residing at 81, Yogiyo Ka Para,  
Khedi Ghatam,  
P.O. - Jareda,  
Teh - Hindum City,  
District - Karauli,  
Rajasthan - 322230.
2. Ram Gopal Meena,  
Son of Ramswaroop Meena,  
Residing at Village + P.O. - Mohacha,  
Teh Sawai,  
District : Sawai Madhopur,  
Rajasthan - 322205.
3. Balkash Meena,  
Son of Chhoti Udai,  
Teh - Warirpur,  
District : Sawai Madhopur,  
Rajasthan - 322202.
4. Bhagwan Singh Meena,  
Son of Hari Ram Meena,  
Residing at Village + P.O. - Meena Baroda,  
Teh - Wazipur,  
District - Sawai Modhupur,  
Rajasthan - 313605.
5. Rambhajan Meena,  
Son of Bheruram Meena,  
Residing at Village - Rampurawas Chawandiya  
Jaipur,  
Rajasthan - 303301.
6. Ramavatar Meena,  
So of Kalyan Sahay Meena,  
Residing at Saau Janwa Ramgarh,  
Jamwaramgarh, Jaipur,  
Rajasthan - 303109.
7. Balkrishan Meena,  
Son of Hari Prasad Meena,  
Residing at Village + P.O. - Mohacha,  
Teh - Wazipur,

District – Sawai Modhopur,  
Rajasthan – 322205.

8. Brijesh,  
Son of Malkhan Meena,  
Residing at Village + P.O. – Mohacha,  
Teh – Wazipur,  
District – Sawai Modhopur,  
Rajasthan – 322205.
9. Harikesh Meena,  
Son of Braj Mohan Meena,  
Residing at Village – Kotdi,  
P.O. – Talawara,  
Teh – Gangapur City,  
District : Sawai Modhopur,  
Rajasthan – 322 201.
10. Rajesh Kumar Meena,  
Son of Hajari Lal Meena,  
Residing at Village – Meena Khediya,  
P.O. – Gazipur,  
Teh – Mahwa,  
District : Dausa,  
Rajasthan – 321612.
11. Vijay Kumar Meena,  
Son of Revdyā Meena,  
Residing at Ramsinghpura,  
Teh – Bamanwas,  
Radheki Shafipura,  
District – Sawai Modhopur,  
Rajasthan – 322211.
12. Lekhraj Meena,  
Son of Mulchand Meena,  
Residing at Village + P.O. – Jakhoda,  
Teh – Sapotra,  
District – Karouli,  
Rajasthan – 322218.
13. Raj Kumar Meena,  
Son of Ram Avatar Meena,  
Residing at Village – Chhan,  
P.O. – Jeevali,  
Teh – Wazipur,  
District : Sawai Modhopur,  
Rajasthan – 322219.
14. Roop Singh Meena,  
Son of Kishllu Meena,  
Residing at Village – Govindpura (Jhopadi),  
P.O. – Salempur,  
Teh – Sapotra,



District – Karaoli,  
Rajasthan – 322202.

15. Bharat Lal Meena,  
Son of Batti Lal Meena,  
Residing at Village – Rundi,  
P.O. – Kurgaon,  
Teh – Sapotra,  
District – Karaoli,  
Rajasthan – 322255.
16. Jeetendra Kumar Meena,  
Son of Bharat Lal Meena,  
Residing at Village – Piloda,  
P.O. – Piloda,  
Teh – Gangapur City,  
District : Sawai Madhopur,  
Rajasthan – 322205.
17. Mukesh Chand Meena,  
Son of Mohar Singh Meena,  
Residing at Village + P.O. – Kotari,  
Teh – Hindaun City,  
District : Karaoli,  
Rajasthan – 322234.

... Applicants

**Vs.**

1. Union of India  
Through the General Manager,  
Eastern Railway,  
17, N.S. Road,  
Fairlie Place,  
Kolkata – 700 001.
2. The Chairman,  
Railway Recruitment Cell,  
Eastern Railway,  
56, C.R. Avenue,  
RITES Building,  
1<sup>st</sup> Floor,  
Kolkata – 700 012.
3. Assistant Personnel Officer (Recrtt.),  
Railway Recruitment Cell,  
Eastern Railway,  
56, C.R. Avenue,  
RITES Building,  
1<sup>st</sup> Floor,  
Kolkata – 700 012.

.... Respondents

For The Applicant(s) : Mr. S. Roy, counsel

For The Respondent(s) : Mr. N.D. Bandyopadhyay, Counsel

ORDER

Per Ms. Bidisha Banerjee, Judicial Member:

Being aggrieved at not having been appointed by the respondent authorities in response to EN-0112/2020, the applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-



"(a) To pass an appropriate order directing the concerned respondents to recruit the applicants as per the judgment passed by the Hon'ble Justice Dipankar Dutta and Hon'ble Justice Protik Prakash Banerjee in WPCT No. 49 of 2017 (in re: Bipul Kumar Biswas and others -v- Union of India & ors.) dated 24.4.2020 for the posts as advertised in connection with employment notice being no employment notice no. EN-0112/2012 dated 1.10.2012 as the applicant standing with the same footing with the litigants in the said matter forthwith.

(b) To pass an appropriate order directing the concerned respondents to transmit and authenticate the records and documents in regard to the instant case before this Hon'ble Tribunal so that conscionable justice may be done upon hearing the parties.

(c) Such further and other order or orders be passed and/or direction or directions be given as this Hon'ble Tribunal may deem fit and proper."

2. An M.A. bearing No. 350/00298/2020 has been filed praying for liberty to jointly prosecute this Original Application. On examination of the matter, however, it transpires that each of the applicants are challenging their individual non-appointments. Hence, they cannot be said to be sharing a common cause of action as well as a common interest in this matter.

Accordingly, the M.A. No. 350/00299/2020 arising out of O.A. No. 350/00493/2020 is rejected. This O.A. will, therefore, proceed in the context of applicant No. 1 with liberty to other applicants to file individual O.A.s, if they so desire.

The M.A. is disposed of accordingly.

3. Heard Ld. Counsel for both sides. This matter is taken up for disposal at admission stage.

4. Ld. Counsel for the applicant would submit that the law with regard to normalization [in awarding marks to candidates appearing at various venues/sessions with different sets of question papers], has been laid down by the Hon'ble High Court at Calcutta in **WPCT No. 49 of 2017 (Bipul Kumar Biswas and others. V. Union of India and others)** and another 11 batch cases, particularly, with respect to the underlying condition that such normalization can be resorted to when there was a established difference in the level of difficulty in question papers in different shifts/different sessions. The applicant would, therefore, pray that the respondents be directed to dispose of representation of applicant No. 1 dated 20.6.2020 (Annexure A-4 to the O.A.) in which he has prayed for appointment in the light of judgement in **WPCT No. 49 of 2017 (supra)** in a time bound manner.

5. Ld. Counsel for the respondents would object to maintainability of the O.A. on the ground of delay, being barred by law of limitation.

6. We would recall, however, that, while adjudicating a similar O.A. No. 163 of 2020 read with M.A. Nos. 103/104 of 2020, this Tribunal had held as follows:-

"5. In our considered opinion, as the said notification of 2012 and the selection procedure adopting "normalization of marks" was under challenge before the Hon'ble High Court and a decision has been rendered recently on the same, the applicant would deserve a consideration in terms of the decision, which shall not be barred by limitation."

Delay is accordingly condoned in the light of orders of the Tribunal in

O.A. No. 163 of 2020 read with M.A. Nos. 103/104 of 2020.

Ld. Counsel would also submit that, being aggrieved with the order dated 24.4.2020 of Hon'ble High Court/Calcutta, Railway Administration has filed a SLP before Hon'ble Apex Court of India. **Diary No. 20060/2020 SLP Case No. SLP (C) No. 011748/2020 (Bipul Kumar Biswas and others. Union of India and others).**



7. Hence, without entering into the merits of the matter, we would direct the appropriate authority to dispose of the representation of applicant No. 1 dated 20.6.2020 at Annexure A-4 to the O.A. in the light of the decision of the Hon'ble High Court, supra, and subject to the outcome in **Diary No. 20060/2020, SLP Case No. SLP (C) No. 011748/2020 (supra)** within 2 months, granting appropriate relief as the applicant No. 1 would be entitled to in accordance with law. The authorities should convey their decision to the applicant No. 1 in the form of a reasoned and speaking order.

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

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP