

LIBRARY

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A. No.350/ 517 of 2020

M.A. No. 350/ 308 of 2020

1. Pintu Lal Meena, son of Kirodi Lal Meena, aged about 35 years, by occupation Unemployed, Roll No.242034418, residing at Village Monapura, Post Dadanpur, Tehsil Todabhim, District Karauli, Rajasthan, Pin-321611.

2. Rajesh Meena, son of Pyare Lal Meena, aged about 34 years, by occupation Unemployed, Roll No.341028356, residing at Village Motuka, Post Aliyapara, Tehsil Mandawar, District Dausa, State Rajasthan, Pin-303315.

3. Rakesh Kumar Meena, son of Suva Lal Meena, aged about 28 years, by occupation Unemployed, Roll No.341028317, residing at Village Dhigariya Kapoor, Post Dhigariya Bheem, Tehsil Baswa, District Dausa, State Rajasthan, Pin-303315.

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4. Ratti Ram Meena, son of Kailash Chand Meena, aged about 37 years, by occupation Unemployed, Roll No.141100406, residing at Village Ishwana, Post Babeli, Tehsil Reni, District Alwar, State Rajasthan, Pin-301408.

5. Ramesh Chand Meena, son of Vishram Meena, aged about 35 years, by occupation Unemployed, Roll No.141100198, residing at Village Chimapura Ki Jhopaden, Post Mundia, Tehsil Reni, District Alwar, State Rajasthan, Pin-301409.

6. Ramesh Chand Meena, son of Kalu

Ram Meena, aged about 28 years, by occupation Unemployed, Roll No.241034582, residing at Village Siroli, Goner Road, Post Dantli, Tehsil Sanganer, District Jaipur, State Rajasthan, Pin-303012.

7. Ram Gopal Meena, son of Mangala Ram Meena, aged about 29 years, by occupation Unemployed, Roll No.241034325, residing at Village

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Rampura, Post Devgaon, Tehsil Bassi,
~~Distt. Jaisalmer, State Rajasthan, Pin-~~
303301.

8. Kailash Chand Meena, son of
Ghamman Lal Meena, aged about 32
years, by occupation Unemployed, Roll
No.252041059, residing at Village &
Post Machadi, Tehsil Todabhim, District
Karauli, State Rajasthan, Pin-321611.

9. Ramkesh Meena, son of Ram Singh
Meena, aged about 30 years, by
occupation Unemployed, Roll
No.241034907, residing at Village
Sadpura, Post Dadanpur, Tehsil
Todabhim, District Karauli, State
Rajasthan, Pin-321611.

10. Ramesh Chand Meena, son of Kajod
Mal Meena, aged about 30 years, by

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occupation Unemployed, Roll
No.141100853, residing at Village
Kodiya, Post Intoli, Tehsil Reni, District
Alwar, State Rajasthan, Pin-301409.

11. Dinesh Chand Meena, son of Mool
Chand Meena, aged about 34 years, by
occupation Unemployed, Roll
No.251072925, residing at Village &
Post Bhuleri, Tehsil Reni, District
Alwar, State Rajasthan, Pin-301409.

12. Rohitash Kumar Meena, son of
Ramkishor Meena, aged about 37 years,
by occupation Unemployed, Roll
No.141100004, residing at Village
Kandoli, Post Dhigawara, Tehsil
Rajgarh, District Alwar, State
Rajasthan, Pin-301414.

13. Hanuman Shai Meena, son of Ram
Shai Meena, aged about 31 years, by
occupation Unemployed, Roll
No.252036915, residing at Village &
Post Jhar, Dani Bhagatoki, Tehsil
Bassi, District Jaipur, State Rajasthan,
Pin-303305.

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14. Karan Kumar Meena, son of Jaya Narayan Meena, aged about 28 years, by occupation Unemployed, Roll No.252037254, residing at Village & Post Jhar, Dhani Bawadi Walo Ki, Tehsil Bassi, District Jaipur, State Rajasthan, Pin-303305.

15. Gulshan Kumar Meena, son of Satya Narayan Meena, aged about 26 years, by occupation Unemployed, Roll No.251037311, residing at Village & Post Sankotra, Via Andhi, Tehsil Jamwaragh, District Jaipur, State Rajasthan, Pin-303001.

16. Hemraj, son of Mohar Singh Meena, aged about 26 years, by occupation Unemployed, Roll No.252040599, residing at Village Jodhpura, Post Manderu, Tehsil Todabhim, District Karauli, State Rajasthan, Pin-321611.

17. Amar Singh Meena, son of Deep Narayan Meena, aged about 28 years, by occupation Unemployed, Roll No.131096380, residing at Village & Post Sankotra, Vaya Andhi, Tehsil

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~~Jamwaramangand, District Jaipur, State~~

Rajasthan, Pin-303001.

18. Ramavatar Meena, son of Jamana
Lal Meena, aged about 34 years, by
occupation Unemployed, Roll
No.341028267, residing at Village
Bhaidari Meenan, Post Aliyapara, Tehsil
Mandawar, District Dausa, State
Rajasthan, Pin-303315.

19. Baldev Meena, son of Ram Swaroop
Meena, aged about 30 years, by
occupation Unemployed, Roll
No.131095307, residing at Village
Dulawa, Post Punderapada, Tehsil
Baswa, District Dausa, State Rajasthan,
Pin-303509.

20. Rajesh Kumar Meena, son of Mohar
Pal, aged about 31 years, by occupation

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Unemployed, Roll No.341028370,
residing at Village Roopwas, Post
Ralawta, Tehsil Baswa, District Dausa,
State Rajasthan, Pin-303315.

21. Rakesh Meena, son of Murari Lal
Meena, aged about 27 years, by
occupation Unemployed, Roll
No.341028268, residing at Village
Bhaidari Meenan, Post Aliyapara, Tehsil
Mandawar, District Dausa, State
Rajasthan, Pin-303315.

22. Babu Lal Meena, son of Ramji Lal
Meena, aged about 29 years, by
occupation Unemployed, Roll
No.231032360, residing at Village &
Post Bhajera, Tehsil Rani, District
Alwar, State Rajasthan, Pin-301409.

23. Ram Narayan Meena, son of Birda
Ram Meena, aged about 34 years, by
occupation Unemployed, Roll
No.241034283, residing at Village
Bhawpura, Post Bainada, Via Bassi,
Tehsil Jamawaramgarh, District Jaipur,
State Rajasthan, Pin-303301.

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24. Ajay Singh Meena, son of Harnarayan Meena, aged about 28 years, by occupation Unemployed, Roll No.131098734, residing at Village Koshali, Post Ajnoti, District Sawai Madhopur, State Rajasthan, Pin-322027.

25. Kamlesh Kumar Meena, son of Balla Ram Meena, aged about 30 years, by occupation Unemployed, Roll No.252061805, residing at Village Pratappura, Post Sunara, Tehsil Newai, District Tonk, State Rajasthan, Pin-304022.

26. Kajod Mal Meena, son of Chhajuram Meena, aged about 35 years, by occupation Unemployed, Roll No.252037255, residing at Village Jhar, Dhani-Dholaky, Post Dudhaly, Tehsil Bassi, District Jaipur, State Rajasthan, Pin-303301.

~~27. Ram Chandra Meena, son of Badri~~

Lal Meena, aged about 34 years, by
occupation Unemployed, Roll

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Bhawpura, Post Bainada, Tehsil Bassi,
District Jaipur, State Rajasthan, Pin-
303301.

28. Ram Kishan Meena, son of Ram
Sahay Meena, aged about 26 years, by
occupation Unemployed, Roll
No.241034290, residing at Village
Chainpura, Post Mohanpura, Tehsil
Bassi, District Jaipur, State Rajasthan,
Pin-303301.

... APPLICANTS

V E R S U S

1. Union of India through the General
Manager, Eastern Railway, 10, N.S.
Road, Fairlie Place, Kolkata-700001.

2. The Chairman, Railway
Recruitment Cell, Eastern Railway, 56,
C.R. Avenue, RITES Building, 1st Floor,
Kolkata-700012.

3. Deputy Chief Personnel Officer
(Recrt.), Railway Recruitment Cell,
Eastern Railway, 56, C.R. Avenue,
RITES Building, 1st Floor, Kolkata-
700012.

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4. The Senior Personnel Officer
(Rectt.), Railway Recruitment Cell,
Eastern Railway, 56, C.R. Avenue,
RITES Building, 1st Floor, Kolkata-
700012.

... RESPONDENTS

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**GENERAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. ~~M~~A/350/308/2020
O.A/350/517/2020

Date of Order: 4.8.2020

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

PINTULAL MEENA & ORS.

Vs.

Eastern Railway (RRC)

For The Applicant(s): Mr. B. Chatterjee, counsel

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

ORDER (O R A L)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-



"(a) An order directing the respondent authorities to consider the candidature of the applicants in the light of the judgment and Order dated 24th April, 2020 at Annexure A-3 to the Original Application and further directing them to keep two posts vacant till consideration of the candidature of the applicants in the manner prayed for above.

(b) An order directing the respondent authorities to grant all consequential benefits to the applicants.

(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard Ld. Counsel for both sides. Examined documents on record. This matter is taken up for disposal at the admission stage.

3. As the applicants share common grievance and common cause of action, M.A. bearing No. 308 of 2020, praying for joint prosecution, is allowed under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987, subject to payment of individual court fees.

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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 and 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 applicants would, therefore, pray for liberty to prefer comprehensive representations citing such judicial pronouncements and would further request that the respondents be directed to dispose of the same 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 found, however, that while adjudicating 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."

Accordingly, delay is 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.

7. As no representation has been preferred seeking benefits of the decision, without entering into the merits of the matter, we dispose of the O.A granting liberty to the applicants to prefer comprehensive representations to the competent authority, enclosing judicial pronouncements therewith, within 2 weeks from the date of receipt of a copy of this order.

8. In the event such representations are preferred, the same shall be considered by the appropriate authority and disposed of in the light of the

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decision of the Hon'ble High Court, supra, within 2 months, granting appropriate relief as the applicants would be entitled to in accordance with law. The authorities should convey their decision to the applicants in the form of reasoned and speaking orders.

9. With these directions, the O.A. is disposed of.

The M.A. is also disposed of in terms of para 3 of this order, subject to payment of individual court fees.

(Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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