

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

LIBRA

OA/350/00566/2020
MA/350/345/2020

Date of Order: 21.10.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

Mrinmay Ghosh & Others Applicant

Versus

Union of India & Ors..... Respondents

For the Applicant(s) : Mr. B. Banerjee, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

ORDER (Oral)



BIDISHA BANERJEE, MEMBER (I):

Heard Ld. Counsel for both the parties and perused the materials on record.

2. The applicants, an aspirant for the post of Group-D in Eastern Railway, have preferred this O.A. to seek the following reliefs:

"8.(a) A direction directing the respondent authorities to forthwith appoint your applicants to the post of Group-D pursuant to the selection process initiated by employment notice no. 0112 dated 16th August 2012 in the available vacancies and if vacancies are not available then to appointment the applicants by way of creating supernumerary posts.

(b) A direction directing the respondent authorities to transmit all records pertaining to this case so that conscionable justice may be administered to your applicants.

(c) Any other and/or others as your Lordship may deemed and proper."

3. The case of the applicants in a nutshell, as articulated by Ld. Counsel for the applicants, are that in pursuance of Notification dated 16.08.2012 they applied for the post of Group-D in Eastern Railway. The grievance of the applicants are that despite being qualified in the Written Test as well as Physical Efficiency Test, their name was not included in the select list and they were not called for Medical Test.

Ld. Counsel for the applicants would submit that similarly circumstanced candidates had approached this Tribunal in a bunch of cases, including O.A. No. 2047/2015. The O.A. being rejected by this Tribunal, they challenged the order before the Hon'ble High Court in WPCT No.49/2017. The said Writ Petition was allowed by the Hon'ble High Court to the extent indicated in its order dated 24.04.2020 (Annexure-A/8). Applicants, at this juncture, would pray for consideration of their candidature in the light of the aforesaid judgment of the Hon'ble High Court.



4. Ld. Counsel for the respondents would not object for passing an order directing disposal of the representation in accordance with rules, if the same is preferred by the applicant before the competent authority.

5. Accordingly, without entering into the merits of the matter, and with the consent of the parties, we propose to dispose of the O.A. granting liberty to the applicants to prefer a comprehensive representation before the competent authority within 4 weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the said authority shall consider it in the light of the decision of the Hon'ble High Court (supra) and issue a reasoned and speaking order under intimation to the applicants within a period of 8 weeks thereafter granting relief as the applicants would be entitled to in accordance with law.

6. The present O.A. stands disposed of accordingly. No costs.

(Tarun Shridhar)
Member (A)

(Bidisha Banerjee)
Member(J)

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