

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

LIBRARY

OA/350/00702 of 2020

Date of Order: 12.10.2020

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



Mukesh Kumar Meena,
Son of Kajod Mal Meena,
Aged about 28 years,
By occupation Unemployed,
Roll No. 111038239,
Residing at Joshi Wall Dhani,
Toonga, Jaipur,
District : Rajasthan – 303302.

..... Applicant

Versus

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

..... Respondents

For the Applicant(s) : Mr.B.Chatterjee, Counsel
 For the Respondents : Mr.N.D.Bandyopadhyay, Counsel

ORDER (Oral)



BIDISHA BANERJEE, MEMBER (J):

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

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

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

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

(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."

3. The case of the applicant, as articulated by Ld. Counsel for the applicant, is that in pursuance of Notification dated 16.08.2012 he applied for the post of Group-D in Eastern Railway. His grievance is that, despite having qualified in the Written Test as well as Physical Efficiency Test his name has not been included in the select list and consequently he was not called for the Medical Test.

Ld. Counsel for the applicant 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/3). Applicant, at this juncture, would pray for consideration of his candidature in the light of the aforesaid judgment of the Hon'ble High Court.

4. Ld. Counsel for the respondents would not object to 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 applicant 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 applicant within a period of 8 weeks thereafter granting relief as the applicant 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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