

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, NIZAM PLACE

O.A. NO. 350/20 OF 2020

1. Pranab Biswas, son of

Premdas Biswas, residing at

Village - Kanainagar, Post Office -

Bhaluka, Police Station -

Nabawdip, District - Nadia, Pin -

741317.

2. Amaresh Biswas, son of

Moni Kumar Biswas, residing at

Village - Math Narayanpur, Post

Office - Shib Narayanpur, Police

Station - Dhantala, District

Nadia, Pin - 741501;

3. Abhijit Bala, son of Adhir

Bala, residing at Village

Bahirgachi, Post Office - Hat

Bahirgachi, Police Station -

Dhantala, District - Nadia, Pin -

741501.

4. Rinku Mridha, daughter of
Paritosh Mridha, residing at
Village - Biswanathpur, Post
Office - Hat-Bahirgachi, Police
Station - Dhantala, District -
Nadia, Pin - 741501.

5. Ajit Mondal, son of Aditya
Mondal, residing at Village -
Biswanathpur, Post Office - Hat-
Bahirgachi, Police Station -
Dhantala, District - Nadia, Pin -
741501.

6. Kishor Biswas, son of
Manoranjan Biswas, residing at
Village - Bahirgachi, Post Office -
Hat-Bahirgachi, Police Station -

Dhantala, District - Nadia, Pin -
741501.

7. Shyamal Kumar Majumder,
son of Satish Chandra Majumder,
residing at Village - Math
Narayanpur, Post Office - Shib
Narayanpur, Police Station -
Dhantala, District - Nadia, Pin -

8. Miltan Sarkar, son of
Mrityunjoy Sarkar, residing at
Village - Pratapgarh, Post Office -
Hat-Bahirgachi, Police Station -
Dhantala, District - Nadia, Pin -
741501.

9. Sudebi Baidya @ Kundu,
daughter of Narayan Chandra
Kundu, residing at Village -
Mathnarayanpur, Post Office -
Shibnarayanpur, Police Station -

Dhantala, District - Nadia, PIN -
741215.

10. Anirban Das, son of Kishor
Das, residing at Village -
Biswanathpur, Post Office - Hat-
Bahirgachi, Police Station -
Dhantala, District - Nadia, Pin -
741501.

11. Amitava Biswas, son of
Abani Biswas, residing at Village -
Subuddhipur, Post Office -
Mahadebpur, Police Station -
Haringhata, District - Nadia, PIN -
741257.

12. Debasish Biswas, son of
Adhir Kumar Biswas, residing at
Village - Joynarayanpur, Post
Office - Santinagar, Police Station

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Copy to

- Hanskhali, District - Nadia, Pin

- 741502.

13. Proshanta Dhali, son of
Priyanath Dhali, residing at
Village - Joynarayanpur, Post
Office - Santinagar, Police Station

- Hanskhali, District - Nadia, Pin
- 741502.

14. Sukanta Mondal, son of
Sambhu Mondal, residing at
Village - Daluabari Uttar, Post
Office - Daluabari, Police Station -
Dhantala, District - Nadia, Pin -
741504.

15. Mohan Roy, son of Manick
Roy, residing at Village -
Andipurchak, Post Office -
Daluabari, Police Station -

Dhantala, District - Nadia, Pin -

741504.

...Applicants/Applicants

- Versus -

1. Union of India, service through the General Manager, Eastern Railway, having its office at Fairly Place, Kolkata - 700001.

2. The General Manager, Eastern Railway, having its office at Fairly Place, Kolkata - 700001.

3. The Chairman, Railway Recruitment Cell, Eastern Railway, having its office at 56, C.R. Avenue, Kolkata - 700012.

4. The Chief Personnel Officer, Eastern Railway, having its office at Fairly Place, Kolkata - 700001.

....Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA/350/20/2020

Date of Order: 26.06.2020

MA 350/17/2020



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

Pranab Biswas & Ors.Applicants

Vrs.

Union of India & Ors.Respondents

For the Applicant(s): Mr. S.Chakraborty, Counsel

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

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels appearing for both the parties.

2. M.A.No. 17/2020 filed by 15 applicants to prosecute this case jointly is allowed subject to payment of individual court fees. M.A. is disposed of accordingly.

3. This O.A. has been filed by the applicants to seek the following reliefs:

"8.(a) An order or direction by directing the Railway Authorities to issue appointment letters to the applicants who are successful candidates in written and physical efficiency test in terms of the recruitment notification No. 0112 dated 16.08.2012;

(b) An order directing the authorities to publish the merit list for recruitment to the posts of Group – D in the eastern railway pursuant to the employment notice being No. 0112 dated 16th August, 2012 without applying the process of normalization;



(c) A direction directing an independent investigating agency to investigate about the ill practice and anomaly adopted by the concerned respondents in the selection process initiated pursuant to Employment Notice being No. 0112 dated 16th August, 2012;

(d) Cancel, set aside or withdraw the impugned panel published applying the process of normalization for the posts of Group – D in terms of the recruitment notice being No. 0122 dated 16th August, 2012;

(e) Any other or further order or orders, as Your Lordships may deem fit and proper;"

4. At the outset, Ld. Counsel for the applicants would submit that the applicants have already ventilated their grievance by way of a representation dated 17.12.2019 (Annexure-A/6) and they would be satisfied if a direction is given to the respondents to consider their pending representation in the light of the order dated 24.04.2020 passed by the Hon'ble High Court of Calcutta in WPCT No. 49 of 2017 and other connected matters; a copy of which has also been served on the Ld. Counsel for the respondents in course of hearing.

5. Having heard Ld. Counsels for both the parties, we are of the considered opinion that no prejudice shall be caused to either of the sides if this O.A. is disposed of with a direction to the competent authority to consider and dispose of the pending representation of the applicants dated 17.12.2019 (Annexure-A/6) in the light of the order dated 24.04.2020 passed by the Hon'ble High Court of Calcutta in WPCT No. 49 of 2017. Ordered accordingly. However, respondents while doing so, shall verify whether the issue is pending before the Hon'ble Apex Court.

We make it clear that we have not entered into the merits of the matter. Appropriate order shall be issued by the competent authority within a period of

three months from the date of receipt of a copy of this order.

6. The O.A. is disposed of accordingly.

Applicants to bear individual court fees.



(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK