

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A/350/861/2020

Date of Order: 17.11.2020

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

Amit Kumar Chowdhury,
Son of Nemai Chowdhury,
Residing at Shibtalapara,
Rampurhat; P.O. – Rampurhat,
District – Birbhum,
Pin – 7312224.

... Applicant

Vs.

1. Union of India
Services through the General Manager,
Eastern Railway,
Having its Office at Fairlie Place,
Kolkata – 700 001.
2. The General Manager,
Eastern Railway,
Having its office at Fairlie Place,
Kolkata – 700 001.
3. The Chairman,
Railway Recruitment Cell,
Eastern Railway,
Having its office at
56, C.R. Avenue,
Kolkata – 700 012.
4. Chief Personnel Officer,
Eastern Railway,
Having its office at
Fairlie Place,
Kolkata – 700 001.

.... Respondents

For The Applicant(s) : Ms. S. Ghosh, counsel

For The Respondent(s) : Ms. T.P. Singh, Counsel

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ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of ~~the~~ Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) An order or direction by directing the Railway Authorities to issue appointment letters to the applicant who is successful candidates in written and physical efficiency test in terms of the recruitment notification No. 0112 dated 16.8.2012;

(b) An order directing the authorities to publish the merit list for recruitment to the post 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."

2. Heard Ld. Counsel for both sides. Examined documents on record.

This matter is taken up for disposal at the admission stage.

3. 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 12 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 the representation dated 3.8.2020 (Annexure A-5 to

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the O.A.) in which he has prayed for his appointment in the light of the judgment in **WPCT No. 49 of 2017**, in a time bound manner.

4. Ld. Counsel for the respondents would, per contra, inform 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 but would not object to disposal of the representation in accordance with law.

5. Given the pendency of the applicant's representation and the SLP before the Hon'ble Apex Court, we would, therefore, refrain from entering into the merits of the matter, and direct the competent authority to dispose of the representation of the applicant at Annexure A-5 to the O.A. with an appropriate order in accordance with law in the light of the decision of the Hon'ble High Court, supra, subject to the outcome of the SLP (C) No. 011748/2020 filed in the Hon'ble Apex Court. The authorities should convey their decision to the applicant in the form of a reasoned and speaking order.

In the event the respondents fail to obtain a stay from the Hon'ble Apex Court, the applicant may be granted appropriate relief as he would be entitled to, in accordance with law.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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