

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



T.A./350/00001/2020
MA 543/2020

Date of Order: 21.10.2020



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

Raja Mukherjee,
Son of Late Sudhir Ranjan Mukherjee
of House No. 445/1, Ward No. 19, Subhaspally,
Post Office – Kharagpur,
Police Station – Kharagpur,
District – Paschim Medinipur,
Pin – 721301.

..... Applicant

- VERSUS -

1. The Union of India,
Notice to be served through the Chairman,
Ministry of Railways,
Rail Bhavan, 1, Raisina Road,
New Delhi.
2. General Manager,
South Eastern Railway,
Office at Garden Reach,
Post Office and Police Station – Khidirpur,
Kolkata – 43.
3. Principal Chief Materials Manager,
South Eastern Railway,
Office at Garden Reach,
Post Office and Police Station – Khidirpur,
Kolkata – 43.
4. Chief Materials Manager/M,
South Eastern Railway,
Office at Garden Reach,
Post Office and Police Station – Khidirpur,
Kolkata – 43.
5. Deputy Chief Personnel Officer(Gaz),
South Eastern Railway,
Office at Garden Reach,
Post Office and Police Station – Khidirpur,
Kolkata – 43.

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6. Deputy Chief Materials Manager,
South Eastern Railway,
Office at Kharagpur,
Post Office and Police Station – Kharagpur,
Pin – 721301.

7. Assistant Personal Officer(Stores),
South Eastern Railway,
Kharagpur,
Post Office and Police Station – Kharagpur,
Pin – 721301.

..... Respondents

For the Applicants : Mr. P.Dey Dhabal, Counsel

For the Respondents : Ms. D.Ghosh Dastidar, Counsel

ORDER (Oral)

Bidisha Banerjee, Judicial Member:

M.A. No: 543/2020 for early hearing is disposed of. O.A. is taken up for hearing.

2. Ld. Counsels were heard and record was perused.

3. The applicant being aggrieved with the conduct of selection process has assailed it on the ground that the selection process was wholly illegal, arbitrary, malafide, motivated and violative of notification and hence it should be quashed.

He has also sought for a direction upon the respondents to produce relevant records.

4. The application was initially preferred before the Hon'ble High Court and transferred to this Bench and renumbered as T.A. 01.2020. The prayer in the Writ Petition was as under.

"22.(a) A writ in the nature of Mandamus commanding the respondents, their agents, servants and associates and each one of them not to give any effect or further effect of the purported Memorandum No. SER/P-HQ/GAZ-

CON/260/13/AMM(30%)/19 dated 9.7.2020 being Annexure P-8 of this Writ Application by considering the representation dated 10.7.2020 being annexure P-7 of this writ application and further commanding them to cancel the purported selection on the basis of illegal and purported formation of Selection Committee and for violating the contents of the notification and guideline for engagement being annexure "P-4" of this writ application;

(b) A writ in the nature of Mandamus commanding the Respondents, their agents, servants and associates and each one of them to select and appoint the petitioner to the post of AMM(Gr-B) against 30% LDCE quota in view of notification;

(c) A Writ in the nature of Certiorari directing the respondent authorities to produce all relevant records of the case before this Hon'ble Court so that proper justice may be administered by quashing the Selection Committee and its malafide action;

(d) A Rule NISI in terms of the prayers (a) and (b) and make the Rule absolute after hearing the parties;

(e) A order of injunction restraining the respondents their men, agents, servants, associates and each of them from giving any effect or further effect and from taking any action to appoint and approve purported selection till the disposal of the rule;

(f) Any other order or orders, direction or directions as your Lordships may deem fit and proper;"

5. At hearing, Ld. Counsel would seek consideration of his representation dated 10.07.2020 whereby he has prayed for supply of copy of the answer scripts and offer scrutiny of his papers at the selection for the post of AMM, Group-B against 30% LDCE quota conducted at GRC.

The applicant has come out unsuccessful and has prayed that he would correct his deficiency and drawbacks if any on the paper.

6. In view of the above, we permit the authorities to supply the answer scripts of the applicant against which the applicant may prefer his representation, which if preferred should be disposed of within three months from the date of its receipt.

We make it clear that we have not entered into the merits of the matter.

7. With the above directions, the O.A. stands disposed of. No costs.



(Tarun Shridhar)
Member (A)

(Bidisha Banerjee)
Member(J)

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