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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

O. A. No. 350/100 of 2020

MA 350/60/2020

MA 61/2020

1. Krishnapada Bala (SC), son of

Sri Khirod Chandra Bala, aged about

35 years, residing at Village

Harindanga, P.O. Haritala, P.S.

Hanskhali, District Nadia, Pin-

741502.

2. Priya Ghosh (UR), daughter of

Sushanta Ghosh, aged about 25

years, residing at Village Panditpur,

P.O. Chupria, P.S. Hanskhali,

District Nadia, Pin-741502.

3. Apurbo Ray (SC), son of Late

Haripada Ray, aged about 35 years,

residing at Village Panditpur, P.O.

Chupria, P.S. Hanskhali, District

Nadia, Pin-741502.

4. Himanshu Biswas (SC), son of

Arobindu Biswas, aged about 36.

years, residing at Village Panditpur,
P.O. Chupria, P.S. Hanskhali,
District Nadia, Pin-741502.

5. Proshanta Biswas (SC), son of
Prodip Biswas, aged about 29 years,
residing at Village Bayerdengi, P.O.
Nabarupdaha, P.S. Hanskhali,
District Nadia, Pin-741502.

6. Anjana Sarkar (SC), daughter of
Barun Sarkar, aged about 29 years,
residing at Village Kaikhali, P.O.
Haritala, P.S. Hanskhali, District
Nadia, Pin-741502.

7. Suvankar Mondal (SC), son of
Sunil Mondal, aged about 28 years,
residing at Village Kaikhali, P.O.
Haritala, P.S. Hanskhali, District
Nadia, Pin-741502.

8. Bipasha Mondal (SC), daughter
of late Bidhu Ranjan Mondal, aged
about 33 years, residing at Village

Kaikhali, P.O. Haritalá, P.S.
Hanskhali, District Nadia, Pin-
741502.

9. Sujan Biswas (SC), son of
Bhabendro Nath Biswas, aged about
28 years, residing at Village Kaikhali,
P.O. Haritala, P.S. Hanskhali,
District Nadia, Pin-741502.

10. Subrata Mondal (SC), son of
Sauklal Mondal, aged about 32
years, residing at Village Chaitapara,
P.O. Khura Raja Pur, P.S. Bongaon,
District North 24-Parganas, Pin-
743245.

11. Prosenjit Sarkar (SC), son of
Chitta Ranjan Sarkar, aged about 29
years, residing at Village Ulasi, P.O.
Ulasi, P.S. Hanskhali, District Nadia,
Pin-741502.

All are unemployed youth.

Applicants

Versus

1. Union of India through the General Manager, Eastern Railway, 17, N. S. Road, Kolkata-700001.
2. The Secretary, Railway Board, Rail Bhawan, New Delhi-110001.
3. The General Manager, Eastern Railway, 17, N. S. Road, Kolkata-700001.
4. The Chairman, Railway Board, Rail Bhawan, New Delhi-110001.
5. The Chief Personnel Officer, Eastern Railway, 17, N. S. Road, Kolkata-700001.
6. The Deputy Chief Personnel Officer (Recruitment), Eastern Railway, 17, N. S. Road, Kolkata-700001.
7. The Chairperson, Railway Recruitment Cell, Eastern Railway, 56, C. R. Avenue, RITES Building, 1st Floor, Kolkata-700012.

Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/100/2020

Date of Order: 08.07.2020

M.A/350/60/2020

M.A/350/61/2020

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

Krishnapada Bala & ors

Vs

Eastern Railway.

For The Applicant(s): Mr. B. Chatterjee, counsel

For The Respondent(s): Mr. N. D. Bandyopadhyay, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsels for both sides.

2. M.A 61/2020 for joint prosecution is allowed. The applicants are allowed to pursue the remedy jointly, on payment of individual court fees.

3. At hearing, ld. counsel for the applicants would submit that he would not press the reliefs as sought for in this OA as law has been very recently laid down by the Hon'ble High Court concerning the issue. Ld. counsel would therefore seek liberty to prefer comprehensive representation to the appropriate authority to seek benefit in terms of the decision passed by the Hon'ble High Court in WPCT 49/2017 and batch cases, decided against "Normalization". Ld. Counsel for applicant would pray for a liberty to the applicants to prefer comprehensive representation citing such judicial pronouncement and a direction upon the respondents to consider and dispose it of the same within a specific time frame.



4. Ld. counsel for the respondents would object to the maintainability of the O.A on the ground of delay and relief being barred by Law of Limitation, as the notification in question was published in the year 2012 and the panel was published in 2015.

5. In our considered opinion, as the said notification of 2012 and the selection procedure adopting "normalization of marks" was under challenge before the Hon'ble High Court and a decision has been rendered recently on the same, the applicant would deserve a consideration in terms of the decision, which shall not be barred by limitation.



Hence, M.A 60/2020, filed for condonation of delay is allowed.

Delay is condoned.

6. As no representation has been preferred seeking benefits of the decision, we dispose of the O.A granting liberty to the applicants to prefer a comprehensive representation to Respondent No. 1 and 7 or any other competent authority, enclosing the judicial pronouncement therewith, within 15 days from the date of receipt of a copy of this order.

7. In the event such representation is preferred, the same shall be considered by the appropriate authority and disposed of in the light of the decision of the Hon'ble High Court, supra, within 2 months, granting appropriate relief as the applicants would be entitled to in accordance with law.

8. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration.

9. The present OA accordingly stands disposed of. No order as to costs, but the applicants shall bear individual court fees as already directed.

10. Parties are at liberty to communicate the gist of this order.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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