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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

KOLKATA BENCH, KOLKATA

APPLICATION UNDER SECTION 19 OF THE

ADMINISTRATIVE TRIBUNALS ACT, 1985.

O. A. NO. 350/408 OF 2020

SRI MUKESH PANDEY, son of Sri  
Haridwar Pandey, resident of  
Quarter No. 315/G, Diesel Colony,  
Post Office Pradan Nagar, and  
working for gain as a JE  
/II/D/Elect/Ia/SGUJ under Senior  
Divisional Mechanical Engineer  
Kathiar Division, Siliguri Junction  
Siliguri, 734003, West Bengal.

.....APPLICANT

VERSUS

1. UNION OF INDIA, Service  
through the General Manager,  
Northeast Frontier Railway,  
Maligaon, Guwahati, Assam, Pin-  
781011.

2. **THE CHIEF PERSONNEL OFFICER,** Northwest Frontier Railway, Maligaon, Guahati, Assam, Pin 781011.

3. **THE DIVISIONAL RAILWAY MANAGER,** Northwest Frontier Railway, Katihar, Bihar, Pin 854105.

4. **THE SENIOR DIVISIONAL MECHANICAL ENGINEER,** EMD/BG Diesel Shed, Siliguri Junction, District-Darjeeling, Pin 734003.

5. **THE SENIOR SECTION ENGINEER,** IG Electrical/Diesel, Siliguri Junction, District-Darjeeling, Pin 734003.

6. **SRI RATAN LAL DAS,** Son of Late Ramesh Chandra Das, Working as D/TCH Grade I/E, Northeast Frontier Railway at Siliguri Diesel Shed and residing at Patel Road Bye

Lane, P.O.-Pradhan Nagar, Siliguri  
District - Darjeeling, Pin 734003.

7. **ANUP KUMAR DAS**, working  
for gain as SSE/Elect/New BG Shed  
Siliguri Junction, Siliguri, Post Office  
Pradhan Nagar, 734003, West  
Bengal.

... **RESPONDENTS**



**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

O.A/350/408/2020

Date of Order: 15.06.2020



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

Mukesh Pandey.....Applicant

Vrs.

Union of India &amp; Ors. ....Respondents

For The Applicant(s): Mr. B.Chatterjee, Mr. J.Dutta, Counsel

For The Respondent(s): None

ORDER (ORAL)

Bidisha Banerjee, Member (J):

1. Despite service, none appears for respondents. Affidavit of service is taken on record. Rule 16(1) of CAT (Procedure) Rules, 1987 is invoked.
2. The applicant in this O.A. has sought for the following reliefs:

*"8.(a) An order do issue directing the respondents to withdraw and/or set aside the impugned speaking order dated 19.05.2020 being "ANNEXURE A-10";*

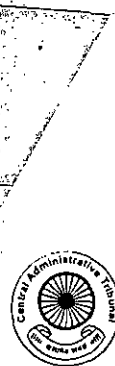
*(b) An order do issue directing the respondents to withdraw and/or recall the purported the show cause notice dated May 21, 2020 being ANNEXURE "A-9";*

*(c) An order do issue directing the respondents not to disturb the post of the applicant as he is presently working at other than providing promotion if he is alleageable so;*

*(d) Direction be passed upon the respondents to produce the entire records of the case for proper adjudication and conscionable justice may be done;*

*(e) Cost and incidentals of this application;*

*(f) Any other order or orders, direction or directions be passed as this Hon'ble Tribunal may deem fit and proper;"*



It is evident from the records that the Hon'ble Chairman of this Tribunal being the Third Member concurred with the view of the Hon'ble Administrative Member in O.A. No. 476/2014 (an application filed by one Ratan Lal Das, respondent No.6 herein) and directed respondent Nos. 2 and 3 as follows:

*"OA shall stand disposed of, leaving it open to the applicant to make a representation to the respondent Nos. 2 & 3, narrating his grievance about evaluation of his service records and award of marks to 6<sup>th</sup> respondent, within four weeks from today. The respondent Nos. 2 & 3, in turn, shall take necessary steps in accordance with law by calling for the records and it emerges that the applicant is awarded any marks over and above what he was awarded to him earlier or if the 6<sup>th</sup> respondent is found to have been awarded marks in excess of his entitlement, necessary consequential steps shall be taken in relation to the selection to the post of Junior Engineer. It is needless to mention that if the proposed steps adversely affect the rights of any selected candidates already selected and appointed, they shall be put on notice. This exercise shall be completed within three months from the date of receipt of representation from the applicant".*

In the said matter present applicant was respondent No.6.

3. The impugned speaking order dated 19.05.2020 says that in compliance with the orders of the Hon'ble Third Member, the answer sheets of both, the applicant Mukesh Pandey and Ratan Lal Das (respondent No.6 herein), were re-evaluated where both of them were found to have "failed".

4. The present applicant, Mukesh Pandey, who having come out successful in the examination, was selected for JE-II/Electrical/IA and was continuing in service until Ratan Lal Das challenged his selection, is aggrieved as the authorities have re-evaluated his answer sheets without any representation from the Ratan Lal Das and very surprisingly the applicant, who succeeded in the written examination and was selected as JE II, was declared "failed" upon re-evaluation. By a representation dated 28.05.2020, against the impugned show cause notice dated

21.05.2020, he has sought for evaluated and re-evaluated answer scripts to effectively deal with the notice dated 21.05.2020.



5. Having perused the records and having found that the applicant was selected earlier and strangely upon re-evaluation was declared "failed", we direct the authorities to consider his representation dated 28.05.2020 and supply the evaluated/re-evaluated answer scripts of the applicant forthwith within 15 days from the date of receipt of a copy of this order. Upon receipt of such answer scripts the applicant shall furnish his reply to the show cause within 30 days, to the competent authority, who upon receipt of the reply shall consider it and issue a reasoned and speaking order on the same within a period of two months of its receipt. Till such time, the notice of reversion dated 21.05.2020 shall remain stayed.

6. O.A. is, accordingly, disposed of. No costs.

(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

RK