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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

O. A. No. 350/ 446 of 2020
MA/251/2020

Ajoy Oraon (ST), son of Kishu Oraon,
aged about 32 years, by occupation
Unemployed Youth, residing at
Village Kanaipur Hari Sava, P.O.
Kanaipur, P.S. Uttarpara, District
Hooghly, Pin-712234.

... Applicant

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.

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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/350/446/2020
M.A/350/251/2020

Date of Order: 08.07.2020

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

**Ajoy Oraon
Vs
Eastern Railway.**

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



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

O R D E R (O R A L)

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

Heard ld. counsel for both sides.

2. At hearing, ld. counsel for the applicant 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 applicant 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.

3. 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.

4. 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 251/2020, filed for condonation of delay is allowed. Delay is condoned.

5. As no representation has been preferred seeking benefits of the decision, we dispose of the O.A granting liberty to the applicant 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.

6. 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 applicant would be entitled to in accordance with law.

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

8. The present OA accordingly stands disposed of. No order as to costs.

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

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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