

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00188/2021

Date of order: 4.3.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Baburam Patra,
S/o Late Dhananjaoy Patra,
Working as Technical III,
Ticket No. 590 under
Sr. Section Engineer C&W/IC/CP and
Residing at Vill & P.O, Harali,
P. S Udaynarayanpur,
Dist. Howrah,
Pin 711226.

--Applicant

vs

1. Union of India,
Through the General Manager,
Eastern Railway,
17, N.S Road,
Kolkata - 700001.
2. Divisional Railway Manager,
Eastern Railway,
Sealdah,
Kolkata - 700014.
3. Divisional Mechanical Engineer,
C&W, Eastern Rly.,
Sealdah,
Kolkata - 700014.
4. Assistant Mechanical Engineer,
Eastern Railway,
Chitpur,
Kolkata 700013.

--Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

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

- "a) To issue direction upon the respondent to consider the appeal dated 13.12.2019 for reinstate of service forthwith.
- b) To issue further direction upon the respondent to consider the applicant service for the reinstate and giving resume duty under the respondent authority forthwith.
- c) Any other order or further order or orders has learned Tribunal deem fit and proper.
- d) To produce Connected Departmental Record at the time of Hearing."

2. Ld. Counsel for the applicant would submit that the applicant was engaged as a Bungalow Peon since 16.5.2006. The applicant, however, was removed from service on the ground that the school certificate furnished by him in claim of his appointment was not genuine. The applicant, thereafter, preferred an appeal (Annexure A-6 to the O.A.), which is pending for consideration and Ld. Counsel would urge an early disposal thereof.

3. Ld. Counsel for the respondents would vociferously oppose any claim of the applicant on the grounds that, as the applicant had submitted a fake certificate, and, has candidly admitted that he had submitted the fake certificate to prove that his age was less than 30 years to claim eligibility in appointment, no appeal of the applicant is maintainable.

4. Ld. Counsel for the applicant, would, therefore, pray for liberty to withdraw this Original Application and to prefer a comprehensive appeal citing rules and judicial ratio in support.

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5. Accordingly, the applicant is granted liberty to withdraw this application and to prefer a comprehensive appeal within a period of six weeks from the date of receipt of a copy of this order, and, in the event, such representation is received, the addressee respondent authority shall decide the same in accordance with law, and, after examining the judicial ratio, if any, cited in support, convey his conclusion in the form of a reasoned and speaking order to the applicant within a period of 16 weeks from the date of receipt of such an appeal.

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


(Dr. Nandita Chatterjee)
Administrative Member

SP