CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A/350/1096/2020 Date of Order: 24.11.2020

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

Surgyan Meena, son of Mool Chand Meena,
Aged about 31 years, by occupation-unemployed,
Roll No. 222070385, residing at 4, Basana,
Amer, Jaipur, Rajasthan- 302028.

..... Applicant

Vs.

1. Union of India
   Service through the General Manager,
   Eastern Railway,
   17, N.S. Road,
   Kolkata – 700 001,
   West Bengal.

2. The Chairman,
   Railway Recruitment Cell,
   Eastern Railway,
   56, C.R. Avenue,
   RITES Building,
   1st Floor,
   Kolkata – 700 012.

3. Deputy Chief Personnel Officer (Recruitment),
   Railway Recruitment Cell,
   Eastern Railway,
   56, C.R. Avenue,
   RITES Building,
   1st Floor,
   Kolkata – 700 012.

4. The Senior Personnel Officer,
   (Rectt.), Railway Recruitment Cell,
   Eastern Railway, 56, C.R. Avenue,
   RITES Building, 1st Floor, Kolkata-
   700012.

.... Respondents

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

For The Respondent(s) : Mr. N.D. Bandyapadhyay, Counsel

ORDER (ORAL)

Per Ms. Bidisha Banerjee, Judicial Member:

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

"(a) An order directing the concerned respondents to consider the candidature of the applicant in the light of the Judgement and order dated 24.4.2020 at Annexure A-3 to the Original Application and further directing them to keep one post vacant till consideration of the candidature of the applicant in the manner prayed for above.

(b) An order directing the concerned respondents to grant all consequential benefits to the applicant.

(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. We have heard Ld. Counsel for both sides, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the law with regard to normalization has been laid down by the Hon'ble High Court at Calcutta in ***WPCT No. 49 of 2017 (Bipul Kumar Biswas and others. V. Union of India and others)*** and another 11 batch cases, particularly, with respect to the underlying condition that such normalization can be resorted to when there was a established difference in the level of difficulty in question papers in different shifts/different sessions.

Ld. Counsel for respondents would argue that the orders of Hon'ble High Court in ***WPCT No. 49 of 2017*** is inapplicable to the applicants as such orders were "in personem" being restricted to the writ petitioners only and also that a number of applicants had appeared in the subsequent recruitment process of 2013 which automatically debarred them from any consideration with reference to the orders of the Hon'ble High Court (supra).

Ld. Counsel would also submit that, being aggrieved with the order dated 24.4.2020 of Hon'ble High Court/Calcutta, Railway Administration has filed a SLP before Hon'ble Apex Court of India with a ***Diary No. 20060/2020, SLP Case No. SLP (C) No. 011748/2020***. However, ld. Counsel for the respondents would not object to passing an order directing disposal of the representation in accordance with rules, if any has been preferred by the applicant before the competent authority.

4. We note that no representation has been preferred by the applicant. Therefore, we would grant liberty to the applicant to prefer a comprehensive representation before the competent authority within a period of 4 weeks from the date of receipt of a copy of this order and further direct the competent authority to dispose of the representation of the applicant with an appropriate order in accordance with law in the light of the decision of the Hon'ble High Court, supra, subject to the outcome of the SLP, ***Diary No. 20060/2020, SLP Case No. SLP (C) No. 011748/2020*** filed in the Hon'ble Apex Court. The authorities should convey their decision to the applicant in the form of a reasoned and speaking order within three months from the date of receipt of a copy of this order.

In the event the respondents fail to obtain a stay from the Hon'ble Apex Court, they may consider grading and to grant appropriate relief as he would be entitled to, in accordance with law.

5. With these directions, the O.A. is disposed of. No costs.

(Tarun Shridhar)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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