



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

Date of order 13.04.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
: Hon'ble Ms. Nandita Chatterjee, Administrative Member



1. O.A./350/1196/2018 ..... Bharat Kumar  
WITH
2. O.A./350/1197/2018 ..... Rishi Kant Kumar  
With M.A. 350/208/2021
3. O.A./350/1199/2018 ..... Premanand Das
4. O.A./350/1200/2018 ..... MD Istekhar
5. O.A./350/1201/2018 ..... Soumik Mondal
6. O.A./350/1202/2018 ..... Mahendra Kumar Bauri
7. O.A./350/1203/2018 ..... Nishant Kumar Nayak
8. O.A./350/1206/2018 ..... Dharmendra Kumar Sharma
9. O.A./350/1207/2018 ..... Sushanta Halder
10. O.A./350/1208/2018 ..... Basuki Kumar  
With M.A. 350/209/2021
11. O.A./350/1209/2018 ..... Sudha Devi
12. O.A./350/1210/2018 ..... Pintu Kumar
13. O.A./350/1211/2018 ..... Ruhidas Mondal
14. O.A./350/1212/2018 ..... Rabindra Kumar  
With MA 350/212/2021
15. O.A./350/1213/2018 ..... Kanchan Kumari  
With MA 350/210/2021
16. O.A./350/1214/2018 ..... Md. Alamgir Azad  
With MA 350/211/2021
17. O.A./350/1215/2018 ..... Shiv Kumar

.....Applicants

-versus-

1. Union of India, through the General Manager, South Eastern Railway,  
11, Garden Reach Road, Kolkata-700043.
2. The Chairman, (Rectt.) Railway Recruitment Cell, South Eastern  
Railway, 11, Garden Reach Road, Kolkata-700043.

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BS

3. Chief Personnel Officer, (Rectt.) Railway Recruitment Cell, South Eastern Railway, 11, Garden Reach Road, Kolkata-700043.
4. The Assistant Personnel Officer (Rectt.), Recruitment Cell, South Eastern Railway, 11, Garden Reach Road, Kolkata-700043.

.....Respondents.

For the Applicant : Mr. S.K. Datta, Counsel  
For the Respondents : Ms. D. Nag, Counsel

### ORDER (Oral)

Per Ms. Bidisha Banerjee, JM

Learned counsels for both sides were heard.

2. Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice and with consent of all the sides, to be disposed of by this common order.

For the sake of brevity facts in O.A. 1196/2018 are delineated and discussed hereunder:-

3. O.A 1196/2018 has been preferred to seek the following relief:

*"8(i) An order directing the respondents to cancel, withdraw and/or rescind the purported order/letter being o., SER/P-HQ/RRC/560/O.A.No. 546 of 2018 dated 29.05.2018 issued by the Chairman/RRC/SER/GRC, Kolkata.*

*(ii) To direct the respondents to prepare and publish the panel and include the name of the applicant and offer him appointment to a suitable group D post within a period of as considered fit by this Hon'ble Tribunal and further directing them to grant all consequential benefits to the applicant in a time bound manner.*

*(iii) An order holding that the denial of appointment to the applicant is bad in law and arbitrary as well as in violation of rights guaranteed under Article 14 of the Constitution of India.*

*(iv) An order directing the respondents to cancel, withdraw and rescind the purported deletion of the applicant by doing further short listing by fixing cut off marks of 84.7.*



(v) *An order directing the respondents to produce entire records of the case since lying within the jurisdiction of this Hon'ble Tribunal for conscionable justice.*

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

All the OAs listed herein, have been filed seeking identical reliefs.

4. Learned counsel for applicant would vociferously articulate the grievance of the applicants that only a few of them have found place in the merit list prepared by the respondents.



5. Such contention is vehemently opposed by the learned counsel for respondents. At hearing today, learned counsel for respondents produced a merit list of 2490 candidates in a sealed cover. The list prepared on 02.03.2021 reflects that all the 15 applicants in the present batch of litigation have been adjusted against Sl.Nos. 2071, 2090, 2091, 2095, 2098, 2113, 2119, 2135, 2343, 2360, 2362, 2366, 2369, 2370 and 2371, of the merit list. The respondents have agreed to exhaust all the available vacancies and consider the applicants appropriately <sup>B</sup> according to their merit, for appointment against such available vacancies.

6. Admittedly, the declared vacancy, as per notification is 2609. As such it seems that all the applicants who figured in the merit list can be adjusted against available vacancies according to their merit position. Therefore, the grievance of the applicants seems to have been finally redressed by the respondent authority.

7. Having perused the merit list produced today, which includes the present applicants as well as non-applicants, we direct the respondents to issue appointment orders upon due observance of necessary formalities in accordance with law to each of them exhausting all available vacancies, within a period of two months from today.

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8. This order is passed with the consent of both sides and in the presence of a Railway officer namely Shri S.V. R. Murthy, the Chief S.W.I./RRC/S.E Railway.

9. Accordingly, the present OA and all other OAs listed herein alongwith pending MAs shall stand disposed of. No costs.

10. A report to that effect shall be prepared by the authorities after two months and furnished to the registry of this Tribunal.



(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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