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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 235 OF 1993

Date of decision: November 12, 1993

Patitapaban Ransingh Applicant
Versus
Union of India & Others Respondents

(for instructions)

1. Whether it be referred to the reporters or not? *AN*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?

12 NOV 93
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

12 NOV 93

12/11/93
(K. P. ACHARYA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH :CUTTACK

ORIGINAL APPLICATION NO : 235 OF 1993
DATE OF DECISION : NOVEMBER 12, 1993

PATITAPABAN RANSINGH	...	APPLICANT
Versus		
UNION OF INDIA & OTHERS	...	RESPONDENTS
For the Applicant	...	Mr.V.Narasingh, Advocate
For the Respondents	...	Mr.B.Pal & O.N.Ghosh, Standing Counsel (Rly.)

C O R A M

THE HONOURABLE MR. K.P.ACHARYA, VICE - CHAIRMAN
A ND
THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

J U D G M E N T
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K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the Opposite Parties to call the applicant to the 'Screening' test and direct re-engagement.

2. Shortly stated the case of the Petitioner is that he has been working as a Casual labourer for a very long time in the Railway Administration particularly under the Opposite Party No.3. Grievances of the petitioner is that in compliance with the direction contained in Original Application No.330 of 1988, the competent authority called 31 casual labourers to appear before the screening test and though the petitioner is senior to those 31 candidates, case of the petitioner was illegally kept out of such selection.

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Somuch so he was not called to appear the screening test.

Such illegality having been committed by the competent authority, this application has been filed with the aforesaid prayer.

3. In their counter, the opposite parties maintained that though the petitioner Shri Patitapaban Ransingh is senior to those 31 candidates, yet Patitapaban Ransingh was not called to the screening test because he was not an applicant. The authority had no duty or obligation to call a person who was not an applicant. Therefore, under such circumstances, no illegality ~~have~~ ^{now} been committed by the concerned authority. Hence the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Narasingh learned counsel appearing for the Petitioner and Mr. B. Pal learned Sr. Standing Counsel for the Railway Administration. Vide order dated 7th May, 1993, for the reasons recorded therein, learned Single Judge had directed the Opposite Parties to allow the petitioner Shri Patitapaban Ransingh to appear at the screening test scheduled to be held on 14th May, 1993 and 17th May, 1993. It was told to us that the petitioner Shri Ransingh had been allowed to appear at the selection test and the result has not been published because of pendency of this case, as directed in the said interim order. After hearing learned counsel for both sides, we ^{would} direct that the result be published and in case the petitioner has ^{been} turned out successful in the screening test, further action be taken for his regularisation. We hope and trust, this judgment would be

implemented within sixty days from today.

5. Thus, the application is accordingly disposed of. No costs.

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Member (Administrative)
12 NOV 93

Central Admn. Tribunal,
Cuttack Bench. K. Mohanty
12th November, 1993.

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12 XI 93
Vice-Chairman

