

5

O.A.NO.131 of 2003

ORDER DATED 21-01-2004.

None appears for the Applicant. However, Mr. B. Pal, Learned Senior Counsel and Mr. R. C. Rath, Ld. Standing Counsel for the Railways are present.

2. Respondents have filed their counter on 21-07-2003 after serving copies thereof on the other side.

3. This Original Application, u/s. 19 of the Administrative Tribunals Act, 1985 has been filed by the Applicant with the sole prayer to issue a direction to the Respondents to issue a duplicate appointment letter to him for the post of Gangman, as the original one had not been received by him and also to direct the Respondents that on his joining the post, his service benefits should be counted from the date when other candidates had joined the post in question.

4. In their counter, the Respondents have ~~disposed~~ that the Applicant in this Original Application i.e. Tushar Kanta Pradhan, was never selected for the post

6

O.A.No.131/2003

of Gangman; although the Respondents had submitted before this Tribunal in O.A.No.399/2001 by filing a Memo as at Annexure-1 that the Applicant, Tushar Kanta Pradhan, had been empanelled and posted as Gr. 'D'. On the basis of the submission made by the Respondents, this Tribunal in their order dated 20th February, 2002 in O.A.No.399/2001 had observed at paragraph-6 of the order that "Shri Tushar Kanta Pradhan (Applicant No.4 in O.A.No.399/2001 was found fit" and since appointed. This observation, which appeared in the order of this Tribunal, referred to above, was made solely on the submissions made by the Respondents in reply to the O.A. The Respondents, have now explained that it is not this applicant; but another Tushar Kanta Pradhan, S/o. Haris Chandra Pradhan, At- Gatikrushnapur, Post: Kalyanpur, Via. R. K. Nagar, Dist. Anugul, bearing Roll No. 100493 and that person was never the Applicant in O.A.No.399 of 2001. They have submitted that due to inadvertance, they omitted to see that there were two persons with the same name i.e. Tushar Kanta Pradhan, considered for selection for Gr.D post but the selected candidate particulars were different; one being S/o. Harish Chandra Pradhan of village: Gatikrushnapur

7
O.A.No.131/2003

the other is S/o. Hrudananda Pradhan, of Mundher (i.e. the present Applicant). They have also submitted unconditional apology for the wrong submission about the identity of the successful candidate (Tushar Kanta Pradhan) as that of the Applicant.

I am satisfied with the explanation submitted by the Respondents bringing out the correct facts of the case and the mistake committed was unintentional. In view of the aforesaid facts and circumstances of the case, as the Applicant was not successful in the recruitment test for Gr.D post under the Respondents, he was never served with any letter of appointment and, therefore, the question of giving direction to the Respondents to issue a duplicate appointment order does not arise. Accordingly this O.A. fails. No costs.

Handwritten signature
(B. N. SOM)
VICE-CHAIRMAN

Copy of order
dt. 21/1/04 issued
to the council
for both side.
DR
29/1/04
S.O. 28/1/04