

11

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 812 of 2006
Cuttack, this the ~~29th~~ day of May, 2008

Laxmikanta Patnaik Applicant
-Versus-
Union of India & Ors. Respondents.

FOR INSTRUCTIONS

1. WHETHER it be sent to reporters or not?
2. WHETHER it be circulated to all the Benches of the Tribunal or not?

(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

(C.R. MOHAPATRA)
MEMBER (JUDL.)

12

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 812 of 2006
Cuttack, this the 29th day of May, 2008

C O R A M:-

THE HON'BLE MR. JUSTICE K.THANKAPPAN, MEMBER(J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER(ADMN.)

Sri Laxmikanta Pattnaik, aged about 38 years, son of Radhanath Pattnaik, resident of village/Po.Mykunda Prasad Dist. Khurda.

... Applicant

By legal practitioner - M/s. S.K.Mishra,
M.R.Dash,Counsel

-V e r s u s -

1. Union of India represented through its General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. General Manager, East Coast Railways, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. Divisional Railway Manager (P), East Coast Railways, Khurda Road, Division, At/Po/Dist.Khurda.
4. Chief Personnel Officer, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.

.... Respondents

By Legal practitioner - Mr. D.K.Behera, Counsel

O R D E R

MR. C.R.MOHAPATRA, MEMBER (A):

The Applicant in this Original Application challenges the inaction of the Respondents in not issuing the offer of appointment despite his



success notified in the local news paper and despite 107 persons below having been appointed.

Selection and empanelment of Applicant for appointment to Gr.D/Gangman post in KUR Division of the E.CO.Railway pursuant to advertisement issued in Dharitri dated 27.07.2005 is not in dispute. Also it is not in dispute that candidates named below the Applicant in the select list have already been taken in service. The reason of non-issuance of the offer of appointment to the applicant, as disclosed by the Respondents is that as the photocopy and documents submitted by the applicant along with the application for appearing at the test could not be made available with the Respondent, it was not possible on their part to verify those documents along with the documents/signature produced/obtained by/from the Applicant at the time of verification of the Original documents for issuance of the offer of appointment. However, it has been disclosed by the Respondents that due to the aforesaid reason, the computerized list of applicant was verified and the LTI of applicant was taken and verified with the LTI taken at the time of written test to confirm the genuineness of his candidate; after which the matter was put up before the competent authority for decision, who ordered that the case be put up to the JA Grade committee who on examination



returned the matter with observation that the verification of certificate is the duty of appointing authority and not the committee. According to Respondents, one such candidate namely Chakradhar Sahoo filed OA No. 496/06 challenging non-inclusion of his name in the list of selected candidates and this Tribunal ordered the General Manager, E.CO. Railway to cause an enquiry and as such, the matter is under enquiry by the vigilance department. It has, therefore, been stated that in view of the above circumstances, no offer of appointment has been issued to the Applicant.

2. We have heard Learned Counsel for both sides and perused the materials placed on record. We see no justification in denying the offer of appointment to the applicant on the ground of non-availability of original records. Neither the applicant was the custodian of such records nor is it the case of Respondents that the Applicant had any role for such missing of documents. However, they have verified the name and LTI of applicant along with the records available in computer and have stated no discrepancy with regard to Applicant. The Respondents have unnecessarily entangled the case of applicant with the enquiry ordered by this Tribunal in OA No. 496/06; as that case is totally different from the present one.



3. In the above premises, this Original Application is disposed of with direction to the Respondents to take steps for allowing the Applicant to join in the post to which he has been selected and empanelled but yet kept out of his livelihood for such a long time for no fault of his. This must be done at an early date but not later than 15th June, 2008. Any delay in issuing offer of appointment to the Applicant, he would be entitled to wages which should be recovered from the officer(s) responsible for the same. There shall be no order as to costs.

Kappan
(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)

Chap
(C.R.MOHAPATRA)
MEMBER (ADMN.)

KNM/PS.