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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 219 of 2008

Cuttack, this the ~~15th~~ day of March, 2011


K.K.Nandy Applicant

-v-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench,
Central Administrative Tribunal or not?


(A.K.PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 219 of 2008

Cuttack, this the 15th day of March, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

A N D

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

K.K.Nandy aged about 55 years, son of Late R.C.B.Nandy, working as Junior Engineer (Works)-II, at Bhubaneswar under the Senior Divisional Engineer (Co), ECoRailway, Khurda Road, residing at Quarter No. E7/E, Railway Colony, Bhubaneswar-6.

.....Applicant

By legal practitioner: M/s.A.Das,D.K.Mohanty, Counsel

-Versus-

1. Union of India represented through its General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Principal Chief Engineer, ECoRailway, Chandrasekharpur, Bhubaneswar, Dist.Khurda, PIN 751 023.
3. Chief Personnel Officer, E CoRailway, Chandrasekharpur, Bhubaneswar, PIN 751 023.
4. Senior Divisional Engineer (Coordination), E Co. Railway, Khurda Road, Po.Jatni, Dist. Khurda, PIN 752 050.
5. Senior Divisional Personnel Officer, ECoRailway, Khurda Road, Po.Jatni, Dist. Khurda, PIN 752 050.
6. Deputy Chief Personnel Officer (Gaz), ECoRailway, Chandrasekharpur, Bhubaneswar, PIN 751 023.

....Respondents

By legal practitioner: Mr.S.K.Ojha, SC

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ORDERMR. C.R.MOHAPATRA, MEMBER (ADMN.):

The cause of action for filing this Original Application under section 19 of the A.T. Act, 1985 is that according to the applicant he was selected through Railway Recruitment Board, Calcutta as Works Mistry in scale of Rs.380-560/- on 24.12.1982. His scale of pay was revised to Rs. 425-700/- as Supervisor (Works) on account of implementation of 5th Pay Commission's Report with effect from 01-01-1996. He was granted the scale of pay of Rs. 5000-8000/- under ACP Scheme w.e.f. 01-10-1999. Due to restructuring of the cadre, vide order dated 31-08-2004 he was promoted to the post of Junior Engineer (Works) Gr.II in the pay scale of Rs. 5000-8000/-. Respondents issued circular dated 18-03-2004 for holding selection for the post of Assistant Engineer in Group B against 30% LDCE quota in which he was found eligible to appear but with self same conditions to appear at the selection pursuant to the circular dated 17.11.2006 he was declared




ineligible. He represented for allowing him to appear at the selection. But his representation was rejected in letter dated 08.04.2008. Hence his prayer in this OA is to direct the Respondents to put his name in the eligibility list published under Annexure-A/4 dated 31.1.2008 and allow him to appear at the selection along with others after quashing the letter of rejection in Annexure-A/6 dated 08.04.2008. Respondents' reiterated their stand taken in the order of rejection in Annexure-A/6 in the counter filed in this case giving detail reasons as to why the applicant was not eligible to appear at the test. Applicant has also filed rejoinder to the counter filed by the Respondents.

2. As the selection was scheduled to take place, during the pendency of this OA viz; on 15.11.2008 & 16.11.2008, considering the prayer of the Learned Counsel for the Applicant, this Tribunal vide order dated 14.11.2008 directed the Respondents to allow the applicant to appear at the selection along with others with the




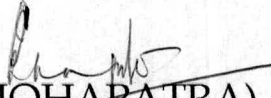
condition that his result shall be kept in a sealed cover. In compliance of the aforesaid order, the applicant was allowed to participate at the selection that along with others but his result was kept in a sealed cover. The selection consisted of two parts i.e. Professional Paper I & II. Each paper consists of the maximum mark of 150. In terms of the provisions a candidate has to secure 90 marks i.e. 60% of the total marks in each paper so as to be declared qualified for empanelment for promotion. This has not been disputed by either of the parties. Mr. S.K. Ojha, Learned Standing Counsel appearing for the Respondents produced the result of the applicant in a sealed cover for the perusal of this Tribunal. On perusal of the result of the applicant it is found that while the applicant secured pass mark in Professional Paper -I, he has failed to achieve such mark in Professional Paper -II. As the empanelment was on the basis of the positive act of selection and the applicant failed to secure the qualifying



marks, we do not see any justification or necessity to proceed further on the merit of the matter,

3. In view of the above, we dispose of this Original Application with direction to the Respondents to intimate the result of the Selection test to the applicant within a period of fifteen days hence. There shall be no order as to costs.


(A.K. PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)