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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CUTTACK BENCH: CUTTACK**

O.A.No. 293 of 2009

Cuttack, this the 29<sup>th</sup> day of February, 2012

**C O R A M**

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

A N D

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

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**O R D E R**

The question raised in this OA is with regard to rejection of the candidature of the applicant for a Gr. D post as per Annexure-5 web site. The applicant had applied for the post and appeared in the written examination and came out successful. She also appeared in the interview. But as per Annexure-A/5 her candidature has been ignored on the ground that her application was not in the prescribed form as contemplated under the publication of the notice. Hence she has prayed in this OA to direct the Respondents to issue order of appointment in any Gr. D post in Eastern Railway. Vide order dated 20.7.2009 opportunity to file counter was allowed to the Respondents. Despite sufficient opportunity no counter was filed till date. In the above circumstances, today when the matter came up for giving further consideration, Mr. Ojha, Learned Standing Counsel appearing for the Respondents brought to our notice a copy of the order of the Calcutta Bench of the Tribunal dated 10.8.2009 in OA Nos. 706/2009, 769/2009, 800/2009, 834/2009 and 861 to 866 of 2009

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copy of which was supplied to him by the Deputy Chief Personnel Officer (Rectt.), ERly, Kolkata through letter No. RRC/ER/293/2009/CAT/Cuttack dated 04.10.09. Learned Standing Counsel for the Railway submitted that in view of the order of the Calcutta Bench of the Tribunal there remains nothing further to be adjudicated in this OA. This was not objected to by the Learned Counsel for the Applicant.

2. Perused the order of the Calcutta Bench of the Tribunal. We find that having faced the similar situation like the present applicant in the same selection those applicants had approached the Calcutta Bench of the Tribunal. Relevant portion of the order of the Calcutta Bench of the Tribunal is extracted herein below:


“23. In the result, we set aside and quash all the impugned rejection/cancellation orders of these applicants challenged in these OAs and direct that their candidature shall be proceeded further to the next step where they were stopped and the respondents shall consider their candidature for selection on merits and communicate the result through internet and till such consideration of the candidature of the applicants is made, the final panel stated to be containing 5300 names shall not be finalized, published and/or appointment orders issued. In order to provide equal opportunity to all those similarly placed candidates who may not have come before us, we further direct that the recruitment cell shall issue appropriate notice within a fortnight from the date of this order, giving one month's time from the date of such notice to them to submit representations against such cancellation and decide


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the same within one month from the date of their receipt in the light of our observations made above.”

3. In view of the above this Original Application is disposed of with direction to the Respondents to extend the benefit of the order of the Calcutta Bench of the Tribunal in favour of the Applicant.

  
Member (Judicial)

  
Member (Admin.)

