

8

TRIBUNAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No. 255 of 2010

Prasant Kumar Sahoo Applicant
-Versus-
Union of India & Ors. Respondents

1. ORDER DATED – 26th July, 2012.

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

And

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

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Heard. Perused the records.

In the notification dated 29.2.2008 Respondents invited application for engagement of Act Apprentices under Apprentices Act, 1961 and Rules, 1962 in carriage Repair Workshop, East Coast Railway, Mancheswar for the year 2008-09. Applicant was one of the candidates pursuant to the notification dated 29.2.2008. He has earlier approached this Tribunal in OA No.141 of 2009. His grievance in the said OA was that he belonged to OBC community and out of four advertised vacancies of Sheet Metal Worker, one vacancy was earmarked for OBC candidate. Although the applicant appeared at the written test, results in respect of 22 candidates instead of all the 40 vacancies were published and representation submitted by him did not yield any result. Hence by filing OA No. 141 of 2009 he prayed to direct the Respondents to publish the result/merit list of 40 candidates specifying the reservation category for total 9 trades. The aforesaid

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OA No. 141 of 2009 was disposed of on 09-04-2009. Relevant portion of the order is quoted herein below:

“In view of the above this Original Application is disposed of at this admission stage with observation that in case the applicant makes a fresh representation before the concerned authorities/Respondents making a specific request for publication of the result of the trade test of Sheet Metal Worker within a period of 7 (seven) days the same may be considered and disposed of (with a reasoned order) by the Respondents within a period of 15 days of receipt of such representation and communicate the result thereof to the Applicant.”

In compliance of the aforesaid order of this Tribunal, Respondents vide letter dated 27.04.2009 under Annexure-4, intimated the Applicant as under:

“Your appeal dated 15.04.2009 is received by this office on 16.04.2009. Your appeal along with Hon’ble CAT/CTC’s judgment dtd 09.04.2009 in OA No.141/2009 is gone through by this office.

In this context you are hereby informed that you could not qualify the selection test for engagement of Act App in Sheet Metal Worker Trade for the year 2008-09. Hence your name did not find place in the select list published vide this office engagement list No.CRW/MCS/P-18/Act.App/2008-09/58 Dtd.17.01.2009.”

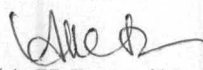
The order under Annexure-4 has been impugned in the instant OA with prayer to quash the same and to declare the applicant to have passed in the test.


Respondents filed their counter on the line of the reply given at Annexure-4 and have stated that since the applicant could not come out successful in the test, his name did not figure in the list of engagement published on 17.1.2009. Accordingly, Respondents have

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prayed that this OA being devoid of any merit is liable to be dismissed.

We have heard the rival submissions of the respective parties and perused the materials placed on record. Since the applicant could not come out successful in the test his claim to take precedence over the selected candidates does not appeal to judicial conscience. Hence we reject the prayer of the Applicant in so far as quashing the letter under Annexure-4 is concerned. But we find some force in the prayer of the Learned Counsel for the Applicant during the hearing that he is entitled to know the marks secured in the different papers in the selection in question which have not been intimated. Accordingly, the Respondents are hereby directed to intimate the marks secured by the applicant in the selection in question within a period of thirty days from the date of receipt of copy of this order. With the aforesaid observation and direction this OA stands disposed of. No costs.


(A.K. Patnaik)
Member (Judl.)


(C.R. Mohapatra)
Member (Admn.)