

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 537 OF 2013

Cuttack, this the 14th day of August, 2013

CORAM

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

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

.....

Bhabagrahi Jena,
aged about 35 years,
Son of Late Trilochan Jena,
Resident of At-Kodandapur,
PO-Chakbarhapur,
P.S.-Soro, Dist-Balasore.

.....Applicant

Advocate(s) M/s. D Routray, PK Sahoo, S. Das, S.K. Samal, K. Mohanty

VERSUS

Union of India represented through

1. The Chairman,
Railway Board,
Rail Bhawan, Raisina Road,
New Delhi-110001.
2. General Manager,
East Coast Railway,
Chandrasekharapur, Bhubaneswar-17,
Dist-Khurda.
3. Chief Personnel Officer,
East Coast Railway,
Chandrasekharapur, Bhubaneswar-17,
Dist-Khurda.
4. Deputy Chief Personnel Officer (Rect),
East Coast Railway,
Chandrasekharapur, Bhubaneswar-17,
Dist-Khurda.
5. Assistant Chief Personnel Officer (Rect),
East Coast Railway,
Chandrasekharapur, Bhubaneswar-17,
Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T. Rath



ORDER (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.Das, Ld. Counsel for the applicant, and Mr. T. Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, challenging non-selection of the applicant in one of the Group-D post for which an advertisement was made on 17.12.2010. Mr. Das, Ld. Counsel for the applicant, submitted that the applicant in pursuance of the said advertisement had applied to a post and, accordingly, he was allowed to appear in the written test held on 03.06.2012 and after being declared successful applicant was also directed to appear in the Physical Efficiency Test, which was conducted on 29.10.2012. Mr. Das, by drawing our attention to the call letter, submitted that in the said letter it has been mentioned that a male candidate should be able to run a distance of 1500 meters in six minutes in one chance but no method for conduct of such examination was prescribed in the call letter as well as in the recruitment rules. Mr. Das further submitted that after reaching the venue of PET examination, the applicant found that a large number of candidates were invited to participate in the PET examination and instead of allowing 15 candidates at a time to run in a track 40 numbers of candidates were asked to run at a time. Mr. Das submitted that drawing all these illegality committed during the PET, the applicant made representation to G.M., E.Co.Rly., Bhubaneswar (Respondent No.2) vide his representation dated 08.05.2013



6
after obtaining information under RTI Act, which was supplied to him on 07.05.2013.

3. Per contra, Mr. T.Rath, Ld. Standing Counsel for the Railways, strongly opposed the prayer made by the applicant stating that once the applicant participated in the recruitment without any murmur, he cannot challenge the said recruitment process after results were declared. More so, the applicant himself could have ventilated his grievance before the concerned authorities just after the test.

4. Mr. Das, Ld. Counsel for the applicant, however, submitted that the grievance of the applicant will be more or less addressed if a direction can be issued to the General Manager, E.Co.Rly. (Respondent No.2) to consider the representation made by the applicant.

5. Taking into account the submissions made by the rival parties, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2 to consider the representation dated 08.05.2013, if at all made by the applicant and if the same is still pending, and dispose of the same by way of a well reasoned order and communicate the result thereof to the applicant within 60 days from the date of receipt of copy of this order. However, if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks from the date of receipt of copy of this order.

6. With the aforesaid observation and direction, O.A. stands disposed of at the stage of admission itself.

7. Copy of this order, along with paper book, be transmitted to Respondent No.2 at the cost of the applicant, for which Mr. Das, Ld.



Counsel for the applicant, undertakes to file the postal requisites by

19.08.2013.


MEMBER (Admn.)


MEMBER (Judl.)

RK

