

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A.171 of 1997
No.R.A.34 of 1997
(O.A.No.15/1996)

Present : Hon'ble Mr.Justice A.K.Chatterjee, Vice-Chairman.
Hon'ble Mr.M.S.Mukherjee, Administrative Member.

SAMAR KUMAR PATRA & ANOTHER

vs.

UNION OF INDIA & ORS.

Counsel present at the time of hearing of the O.A.

For the applicants : Mr.Samir Ghosh

For the respondents : Mr.R.N.Das, Sr.Counsel.
Mr.C.Samadder, counsel.
Mr.M.M.Mullick, counsel.

Disposed of by circulation on 16-10-97

ORDER

A.K.Chatterjee, V.C.

M.A.171 of 1997 has been filed for condonation of delay in making the review application registered as R.A.34 of 1997. On perusal of the miscellaneous application, I am satisfied that there was sufficient cause for not making the review application in time. Therefore, the delay is condoned and the period of limitation for filing the review application is extended till the date on which it was actually filed. M.A. is thus allowed.

2. The application for review of the judgment delivered in O.A.15 of 1996 on 14.1.1997 has been filed by two of the four petitioners of the said O.A. in the circumstances as under.

The petitioners alongwith others, had appeared in a general departmental competitive examination held by the Railway

Recruitment Board pursuant to a notification dated 28.10.1994 for selection for formation of a panel for appointment to the post of Trainee Ticket Collector. The petitioners contend that they came out successful in the said test, but instead of calling them to a viva-voce test, the authorities had asked them to appear in a second written test which was not contemplated by the aforesaid notification. They, therefore, made a prayer for a direction for cancellation of the call letter to appear in the 2nd written test and other appropriate reliefs.

3. The respondents contend that the notification specifically mentioned that since the selection was made against the direct recruitment quota, all conditions applicable therein would apply and further that the procedure for examination for recruitment was reviewed by the Railway Board long before the notification was issued and a two-tier system of written examination, one preliminary followed by a final one, was introduced as early as 15.4.1990.

4. It was held in the said O.A. after hearing both the parties that since selection was being made against a direct recruitment quota, a provision relating to such selection would apply including but ~~not~~ ^{of} contained in ~~not~~ ⁱⁿ be applied and the relevant order of the Railway Board laying down a two-tier system of examination for selection to a post, in question.

5. In the instant review application, it has been contended that the two-tier system of examination could not be followed since it was not contemplated by the notification dated 28.10.94.

6. I find no merit in the contention raised in the review application because the judgment delivered in the O.A. had considered in detail how a test proposed to be conducted was



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well within contemplation of the said notification. Thus the instant review application is virtually a repetition of the ground taken in the O.A. which was duly considered but found to be unsustainable. There is thus no merit in the review application which ~~may~~ ^{is} therefore, ~~be~~ dismissed by circulation.

A. Chatterjee

(A.K.Chatterjee)
Vice-Chairman

I agree.

M. Mukherjee
16/10/97
(M.S. Mukherjee)
Administrative Member