

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 304 of 1996

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr. S. Biswas, Administrative Member

Debasis Dasgupta

-VS-

S.E. Railway

For the Applicant : Mr. P.K. Arora, Counsel
Mr. A.K. Chakraborty, Counsel

For the Respondents: Mr. S. Choudhury, Counsel

Date of Order : 21-07-2003

ORDER

MR. JUSTICE B. PANIGRAHI, VC

The applicant, pursuant to the advertisement, offered himself to be a candidate for being appointed as Electrical Signal Fitter in the scale of Rs.950-1500/-.. In the advertisement it was indicated that 10 posts of Electrical Signal Fitter will be filled up. The applicant seems to have been qualified in the written test. So, he was invited for appearing for the Viva-Voce in which he was empanelled in the merit list against Sl.No.9 in the panel. All on a sudden the post of Electrical Signal Fitter was reduced to 7 Nos. from 10 Nos. As a result therefore, the petitioner was deprived of getting appointment order. The respondents issued order of appointment to 7 candidates out of whom one declined to join in the post while another was found medically unfit. But in so far as the petitioner's case is concerned the respondents took callous attitude by not giving him suitable appointment. Therefore, he filed this case.

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2. The respondents have taken a stand that since the panel does not exist and the applicant has already crossed the maximum age limit, therefore, his claim to be appointed in the post could not be considered. On being asked the Ld. Counsel for the respondents failed to state that whether any further panel was prepared after the previous list had lost its force and whether any candidate from the previous panel could be given appointment. Rule is silent about it. Had the respondents issued an appointment order in favour of the applicant like it was issued to the other candidate and placed at Sl. No. 8 such difficulty would not have arisen.

3. Therefore, in the above factual matrix, we direct the respondents to consider whether they can relax the age limit in the peculiar situation and given appointment to the applicant within three months from the date of communication of this order. With the above observations the O.A. is disposed of.

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Member(A)

B. B. B.

Vice-Chairman

DKN