

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. 358 of 98
M.A. 387 of 98
(O.A. 1192 of 97)

Present : Hon'ble Mr. Justice S.N. Mallick, Vice Chairman.

Hon'ble Mr. S. Dasgupta, Administrative Member.

Union of India, through the General Manager,
Chittaranjan Locomotive Works, Chittaranjan
and Others.

...Applicants.

- v e r s u s -

Raghunath Bhunia

...Respondent.

For the applicants : Mr. Soumen Bose, Id. counsel leading Mrs.
U. Sanyal, counsel.

For the respondent : Mr. K. Sarkar, counsel.

Heard on 21.8.98

Order on 21..98

O R D E R

S. Dasgupta, AM

M.A. 387 of 98 was filed by the respondents in O.A. bearing No. 1192 of 97 for early hearing of the M.A. 358/98. With the consent of both the parties, the M.A. 358 of 98, which is not listed today, was taken up for hearing and order today.

2. We have heard Id. counsel appearing on behalf of the applicant in M.A. as well as of the respondents (Original applicant).

3. The submission made by the Id. counsel for the applicant in M.A. is that there are all together 20 posts, ten posts for Bengali stream and 10 posts for Hindi Stream. The original applicant is a candidate for one of the posts of Primary Teacher in Bengali stream. Therefore, the interest of the applicant can be adequately protected by keeping one post of Primary Teacher in the Bengali stream vacant. The respondents further submit that since the school work is suffering because of non-filling of the posts, respondents be given liberty to publish the results and fill up 19 posts keeping one post vacant.

4. The original applicant vehemently opposed this application stating that the entire process of examination is flawed because of the malpractice

of leaking of question papers and it would not be appropriate to allow the respondents to fill up the vacancies on the basis of the result of the impugned selection.

5. We have considered the submission of Id. counsel for both the parties carefully. We have to balance the administrative convenience with the interest of the applicant and seriousness of the allegation made by the applicant regarding the irregularity in the selection examination. In our view, it would be appropriate, if we allow the respondents to publish the results and fill up the 19 posts purely on a provisional basis indicating in the appointment letters that such appointments are purely on provisional basis and will remain subject to the final outcome of the O.A. We accordingly modify the interim order to the above effect.

6. Both the M.As stand disposed of.



(S. Dasgupta)
Member (A)



(S.N. Mallick)
Vice Chairman