

Central Administrative Tribunal
Calcutta Bench

OA No.1203/97

Present : Hon'ble Mr.N.D. Dayal, Member(A)
Hon'ble Mr.K.B.S. Rajan, Member(J)

Chakananda

-Vs-

S.E. Rly

For the applicant : Mr.B.C. Sinha, Counsel

For the respondents : Mr.S.S. Pal, Counsel

O R D E R

Mr.N.D. Dayal, Member(A)

The applicant in this case was working as Stretcher Bearer in the Main Hospital in Garden Reach in a Group 'D' post. When there were vacancies of Motor Driver the applicant was expecting to be considered for the same along with others in terms of rules of recruitment. The respondents held trade test for which a letter dated 7-1-92 was issued by CPO (Med) to the Chief Hospital Supdt. Mr.Sinha the learned counsel for the applicant has pointed out that no further follow up action was taken. Thus the applicant could not appear in such test. It is noticed from Annexure R2 that a large number of Group C official had appeared at the test and vacancies were filled up accordingly. During the course of hearing on 13-10-97 the Tribunal had noted that since prima-facie it appears that the applicant was denied appearance before the selection board, one post of Motor Driver may be kept vacant till the date of next hearing.

2. Mr.Pal, the learned counsel for the respondents has stated that since in this matter he is appearing he would like to take instruction. However, it is not denied that such an interim order of the Tribunal would have been complied with. We therefore find that while on the one hand seven years have passed since the application was filed on the other hand the matter continues to linger and the vacant post available to the respondents could not be filled up so far. At this stage Mr.Sinha made a submission that since a vacancy would be available respondents should take necessary steps for filling it up in accordance with the rules by holding trade test and in which the applicant should be asked to appear and his case considered accordingly for filling up the vacancy of Motor Driver.

3. In view of the submissions made, the respondents are directed to consider the case of the applicant for filling up the vacant post as per rules by inviting the applicant to trade test and promoting him if successful.. In the circumstances in case there be an age restriction the same be waived in favour of the applicant. The exercise shall be completed within 3 months from the date of communication of the order. The OA is disposed of accordingly. No costs.


Member(J)
Member(A)