

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

D.A. No. 1015 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Ashok Asaram Jambhulkar,
S/o- Asaram Jambhulkar,
Vill- Chotatangra,
PO. Nampura, Kharagpur,
Dist- Midnapur.

... ... Applicant.

Vrs.

1. Union of India,
represented by the
General Manager,
South Eastern Railway,
11, Garden Reach,
Calcutta- 43.
2. The Chief Personnel Officer,
S.E. Rly, 11, Garden Reach,
Calcutta- 43.
3. The Controller of Stores,
S.E. Rly,
Calcutta- 43.
4. The Dy. Controller of Stores,
S.E. Rly, Kharagpur,
Dist- Midnapore.

... ... Respondents.

For applicant : Mr. S. Sen, Counsel leading
Mrs. P.K. Ganguly, Counsel.

For respondents : Mr. P. Chatterjee, Counsel.

Heard on : 17.9.97.

Ordered on : 17.9.97.

O R D E R

B.C. Sarma, AM.

1. This application has been directed against the respondents raising the allegation that the Notice inviting application



Contd... P/2.

for recruitment in short-fall vacancies in the post of Stores Khalasis and Peon in Group 'D' category in Stores Deptt. under Dy. Controller of Stores, Kharagpur, SE Ry, bearing employment notice No. SER/11/A/52 dated 22.5.97 was not given adequate publicity and on that ground, the applicant has prayed for issue of a direction on the respondents to give him opportunity to appear in the said test.

2. The 1d. Counsel for the applicant while arguing the case has cited a ^{decision} of the Hon'ble Apex Court in the case of - Excise Superintendent, Malkapatnam, Krishna District, Andhra Pradesh Vrs. K.B.N. Visweshwara Rao & Ors. (reported in (1996) 6 SCC 216). He submits that on the basis of the said decision of the Hon'ble Apex Court, the applicant should be given opportunity to appear in the examination.

3. Mr. Chatterjee, 1d. Counsel appearing for the respondents, submits that the said employment notice was given adequate publicity through publication in two widely circulated newspapers viz. Ananda /Patrika Bazar dated 4.6.97 and the other in Ranchi Express dated 24th June 1997. He also produced the necessary relevant copies of those papers before us containing the said employment notice issued by the South Eastern Railway.

4. We have heard the submission of the 1d. Counsel for both the parties and perused the records. We find that in the Judgement cited by the 1d. Counsel for the applicant it was held by the Hon'ble Apex Court that - In addition to requisitioning the names from employment exchange, names should also be called for by publication in newspapers, having wide circulation, and display on office notice boards or announcement on radio, television and employment news bulletins etc.



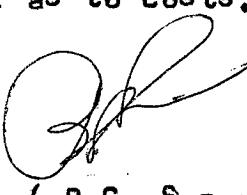
Contd... P/3.

5. The 1d. Counsel for the applicant raised the grievance that it was not advertised through the Radio and Television. However, Mr. Chatterjee argues that the Notice was given/widely circulated newspapers. The advertisement in the All India Radio or Television was an alternative measure recommended by the Hon'ble Apex Court. We, therefore, find ~~in~~ ⁱⁿ ~~opinion~~ that the said Judgment of the Hon'ble Apex Court has been followed in this case by the respondents. Mr. Chatterjee prays for liberty to file a Reply in this case but, considering the nature of ~~the~~ dispute raised before us and the remedy applied for by the applicant, we are of the ^{application} view that no liberty should be given and the issue should be disposed of at the stage of admission hearing itself.

6. From the above analysis, we are satisfied that the respondents have given adequate publicity to the said Employment Notice. It is, of course, a different matter whether the applicant did not read the said Employment Notice ventilated in the widely circulated newspapers but that cause does not give any right to the applicant to come to this Tribunal to get the Employment Notice issued by the respondents to be set aside ^{or} quashed. We are, therefore, of the view that there is no merit in the petition and it is liable to be dismissed.

7. For the reasons given above, we do not find any merit in the application and it is, therefore, dismissed at the stage of admission itself without passing any order as to costs.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)