

1./ 25.1.96.

Hon'ble Mr. K.D. Saha, Member (A)

Heard Shri C.S.P.Sinha, the learned counsel for the applicant on the question of admission. The applicant at present is working as Head Clerk in the Katihar Division of the N.F. Rly. It is submitted that he appeared in the written test for selection to the post of Office Superintendent Gr. II (Rs. 1600-2600) held on 11.2.95. It is further stated that the applicant failed to qualify in the written test, the result of which was declared on 6th April, 95 as at Annexure A/2. The submission on behalf of the applicant is that the question paper has been set in <sup>an</sup> illegal manner, violating the ~~Existant~~ instructions and the whole process of selection is therefore vitiated. It is submitted that as per the ~~Existant~~ instruction as at Annexure A/6, for about 50 per cent of the total marks, objective type questions were required to be set in the written test, but in the above <sup>said</sup> test this norm<sup>s</sup> has not been followed. The prayer in this case is for quashing the whole selection and ~~for~~ holding a fresh selection in accordance with rules.

2. This is Division Bench matter. No Division Bench is available and there is no likelihood that the Division bench will be available shortly. Considering the submission<sup>s</sup> of the applicant and the averments in the application, I admit this application for hearing. Issue notices to the respondents to file their W/S within four weeks. Rejoinder, if any, may be filed within two weeks thereafter.

DA - 50/96

Requisites to be filed within one week.

3. The learned counsel for the applicant ~~he~~ prays for restraining the respondents from ordering promotion to the post of Office Superintendent Gr. II on the basis of selection. It is, however, stated that the applicant has approached this Tribunal only after having come to know that he has failed in the written test. In the circumstances, I am not inclined to pass interim order restraining the respondents from ordering the promotion to the Grade of Office Superintendent on the basis of the selection test. However, all ~~the~~ promotions to the post of Office Superintendent Gr. II<sup>1</sup>, pursuant to the selection test under challenge shall be subject to the decision of this case. List this case on 25.3.96 before the Registrar for completion of pleadings. A copy of this order may be handed over to the learned counsel for the applicant.

*Recd. One Copy of Memo  
CSP Saha  
31.1.96  
Adv. for appl.*

*Notice Issued  
on 30/1/96  
LH*

/CBS/

*2  
25/3/96*

*4*

*Silva*

*Admitted to 27/3/96.*

*(K.D. Saha)  
Member (A)*

3/27.3.1996

Sri M.L.Paswan, Registrar I/c

Jr.

Sri D. Ghose Dastidar learned/counsel to

Sri Gautam Bose appears on behalf of the respondents.

He prays for time to file W/s. Prayer allowed. List this case on 23.4.1996 for filing W/s.

MPS.

4/23.4.96

Shri. M. L. Paswan, Registrar Incharge.

( M.L. Paswan )  
Registrar I/c

W/s has not been filed. For filing the W/s, list this case on 24.5.96.

( M. L. Paswan )  
Registrar I/C

5/24.5.96

Shri M.L.Paswan, Registrar Incharge

Vakalatnama has been filed on behalf of the respondents. W.S. has not been filed. Junior Counsel to Shri Gautam Bose on behalf of the respondents prays for time to file W.S. List on 18.7.1996 for filing W.S.

( M.L.Paswan )  
Registrar I/c

SKS

6/20.8.96

W.S. has not been filed. Counsel of the Respondents prays for further time to file W.S. list on 4.9.96 for filing W.S.

6/18.7.96

Shri. M. L. Paswan, Registrar Incharge.

....

Learned junior counsel to Mr. G. Bose is present on behalf of the respondents and prays for time for filing the W/s. Prayer allowed. Put up on 20.8.96 for filing the W/s.

*Ms*

( M. L. Paswan )  
Registrar I/C

PKL

14.9.96

Learned junior Counsel to Mr. G. Bose is present on behalf of the respondents & prays for time for filing the W/s. Prayer allowed. Put up on 1/10/96 for filing the W/s.

Y.N.

JDR

8/1.10.96

Sri. S. P. Sinha, Dy. Registrar I/C.

....

Nobody is present on behalf of either of the parties. W/s has not been filed. Put up on 1.11.96 for filing the W/s as a last chance.

*S. P. Sinha*

( S. P. Sinha )  
Dy. Registrar I/C

PKL

9/1.11.96

Sri. M. L. Paswan, Dy. Registrar.

....

The learned counsel for the applicant is present. Respondents are represented by junior to Mr. G. Bose and prays one more chance for filing the W/s. Prayer allowed. put up on 5.12.96 for filing the same.

PKL

( M. L. Paswan )  
Dy. Registrar

10./ 23.12.96.

Both the parties are present. W/S has been filed. List this case on 3.2.97 for filing rejoinder.

/CBS/

(M.L. Paswan)  
Registrar I/C.

11/3.2.1997

None for the applicant. Shri D.G.Dastidar, Jr. to Mr. Gautam Bose, learned counsel appears for the respondents. W/s has been filed on behalf of the respondents. Put up on 17.2.1997 for filing rejoinder, if any, as a last chance.

( S.P.Sinha )  
Dy.Registrar I/c

MPS.

12/17.2.1997

The learned counsel for the applicant Shri J.Prasad is present. None for the respondents. It is stated that the W/s has been filed but the same is not on the record. Office to verify and place it on the record. Put up on 13.3.1997 for W/s and rejoinder, if any as a last chance.

( S.P.Sinha )  
Dy.Registrar I/c

MPS.

*W.s. has not been  
filed as yet -  
M.L.P.  
12.3.97*

OA 50/96

13/13.3.1997

The learned counsel for the applicant is present. Mr.D.G.Dastidar, Jr. Counsel to Mr.Gautam Bose, learned counsel appears for the respondents. W/s has not yet been filed though sufficient time was given therefore. In the circumstances, let the case be listed before the Hon'ble Bench for direction on 10.4.1997.

MPS.

  
( S.P. Sinha )  
Dy.Registrar I/c

14./ 10.4.97.

Shri J. Prasad, the counsel for the applicant.

Shri G. Bose, the counsel for the respondents.

W/S has been filed in this case. The learned counsel for the applicant prays for two weeks time to file rejoinder. Allowed. Thereafter enter the case in the ready list.

*W/S on behalf of all the respondents filed on 5.12.96 and file attached*  
N.I.  
21.4.97

/CBS/




(V.N. Mehrotra)  
Vice-chairman

15/23.2.1999

At the request made on behalf of the learned counsel for the applicant, ~~xxx~~ two weeks further time is allowed to file rejoinder. List it for hearing on 11.5.1999.

MPS.

  
( L.R.K. Prasad )  
Member (A)

16/11.5.1999

Shri C.S.P.Sinha, counsel for the applicant.

The learned counsel for the applicant states that he has received the W/s yesterday.

He prays for three weeks time to file rejoinder.

Allowed. List it for hearing on 28.7.1999 with

the name of Shri Gautam Bose, counsel for the respondents.

MRS.

(Lakshman Jha)  
Member (J)

(L.R.K. Prasad)  
Member (A)

17/28.7.1999

For want of time, list it for hearing on

13.9.1999.

MRS.

(L.R.K. Prasad)  
Member (A)

(S. Narayan)  
Vice-Chairman

18/13.9.99

Counsel for the parties present.

List it for hearing on 18.11.99

AKJ

(L.JHA)  
MEMBER(J)

(L.R.K. PRASAD)  
MEMBER(A)

19/18.11.99

List it for hearing on 10.1.2000

AKJ

(L.JHA)  
MEMBER(J)

(L.R.K. PRASAD)  
MEMBER(A)

29  
10.1.2000

CM

List it for hearing on 16.2.2000.

(L. Hmingliana)  
Member (A)

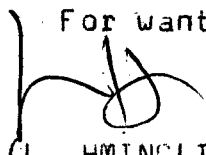
(S. Narayan)  
Vice-Chairman

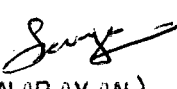
DA - 50/96

21./ 16.2.2000.

For want of time, hearing is adjourned to 11.4.2000.

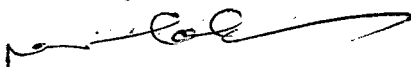
/CBS/

  
(L. HMINGLIANA  
MEMBER (A)

  
(S. NARAYAN)  
VICE-CHAIRMAN

22/11.04.2000 For want of time, the hearing is adjourned  
to 22.05.2000.

SKJ

  
(L.R.K. Prasad)/M(A)

  
(S. Narayan)/V.C.

22./ 22.5.2000.

For want of time, hearing is adjourned to 21.7.2000.

/CBS/

  
(L.R.K. PRASAD)  
MEMBER (A)

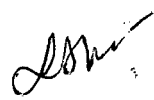
  
(S. NARAYAN)  
VICE-CHAIRMAN

23/21.7.2000 Shri Vikash Jha, JC to Shri G. Bose, Rly. counsel.

On the request of the learned counsel  
for the respondents, list it for hearing on  
22.8.2000.

MPS.

  
(L. Hmingliana)  
Member (A)

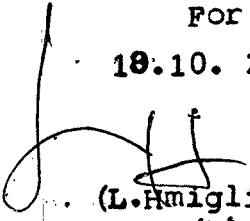
  
(Lakshman Jha)  
Member (J)


24

22.8.2000

CM

For want of time, hearing is adjourned to  
19.10. 2000.

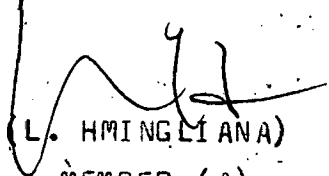
  
(L. Hmingliana)  
M(A)


  
(L. Jha)  
M(J)

25./ 18.10.2000.

As the D.B. of Court No. 1 is sitting at Ranchi,  
list it on 23.11.2000 for hearing.

/CBS/

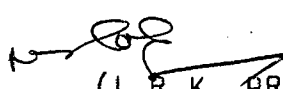
  
(L. HMINGLIANA)  
MEMBER (A)

  
(L. JHA)  
MEMBER (J)

26./ 23.11.2000.

For want of D.B., hearing is adjourned to 3.1.2001.

/CBS/

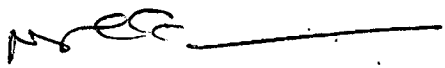
  
(L.R.K. PRASAD)/M(A)


27

3.1.2001

CM

Let it be listed on 29.2.2001 for  
hearing.

  
(L.R.K. Prasad)  
M(A)

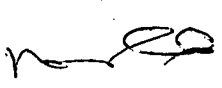
  
(S. Narayan)  
V.C.


28

1.3.2001

CM

On on the request made by the respondents,  
list it on 23.4.2001 for hearing.

  
(L.R.K. Prasad)  
M(A)

  
(S. Narayan)  
V.C.

GA-50/1996

29/23.4.2001

None for the applicant.

Shri Gautam Bose, counsel for the respondents.

Shri J. Prasad, counsel states that the brief has already been returned to the applicant and he had not received further instructions in the matter. As a last chance, list it for hearing on 10.5.2001.

MES.

( L. Hmingliana )/M(A)

( L. Jha )/M(J)

30/10.5.2001

None for the applicant.

Shri G. Bose, counsel for the respondents.

For want of D.B., list it for hearing on 4.8.2001.

MES.

( L. Hmingliana )/M(A)

31/6.8.2001

For want of D.B., list it on 10.9.2001 for hearing.

SKS

( L. Hmingliana )/M(A)

32/10.9.2001

For want of time, list it on 17.10.2001 for hearing.

SKS

( L. Hmingliana )/M(A) ( Lakshman Jha )/M(J)

O. A. 50/1996

33/17.10.2001

None for the applicant.

Shri G. Bose, counsel for the respondents.

As a last chance, let it be listed  
for hearing on 21.12.2001.

MES.

  
( M.P. Singh )/M(A)

  
( L. Jha )/M(J)

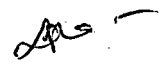
34/21.12.2001

Shri Gautam Bose, counsel for the respondents.

None for the applicant even today. It  
appears from the previous orders that no appearance  
was entered on behalf of the applicant for last  
several dates, which shows that the applicant has  
got no interest in the O.A. It is, therefore,  
dismissed for default.

MPS.

  
( L. Hingliana )/M(A)

  
( L. Jha )/M(J)