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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 276 of 1997.

DATE OF DECISION.....7-4-99.....

Sri Utpal Talukdar

(PETITIONER(S))

Sri A.K. Roy.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Mors.

RESPONDENT(S)

None present for the respondents.

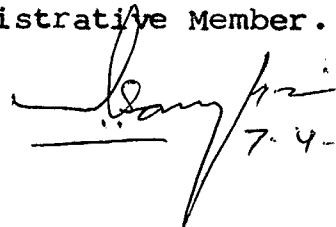
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


7-4-99

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 276 of 1997.

Date of Order : This the 7th Day of April, 1999.

Justice Shri D.N. Baruah, Vice-Chairman.

Shri G.L. Sanglyine, Administrative Member.

Shri Utpal Talukdar,
son of Shri K.N. Talukdar,
Vill - Baruabari,
P.O. Sonapur, P.S. Sonapur,
Dist. Kamrup (Assam).

. . . Applicant.

By Advocate Shri A.K. Roy.

- Versus -

1. Union of India,
represented by the General Manager,
N.F. Railway, Maligaon,
Guwahati-11.
2. The General Manager,
N.F. Railway, Maligaon,
Guwahati-11.
3. The Chief Personnel Officer (Recruitment Section)
N.F. Railway, Maligaon,
Guwahati-11.
4. The Medical Director,
Central Hospital, N.F. Railway,
Maligaon, Guwahati-11.

. . . Respondents.

None present for the respondents.

O R D E R

G.L. SANGLYINE, ADMN. MEMBER,

The Railway Recruitment Board, Guwahati published advertisement Notice No.3/95 on 30.8.1995 calling for candidates for the posts, among others, Apprentice Permanent Way Inspector Grade-I. The last date for submission of the application was 15.10.1995. There were reserved vacancies for the Scheduled Tribes and also for the Other Backward Classes. The applicant is a member of Koch Rajbongshi community which at the time of submission of the application was recognised as Other Backward Class in the State of Assam. The applicant applied for the

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post. Written examination was held on 21.1.1996 and the result was declared on 23.5.1996. The applicant was successful in the written examination and he was called for the viva voce on 27.6.1996. The final result of the examination was declared on 17.7.1996 and the applicant was empanelled against the vacancies for Scheduled Tribes and he was placed at serial No.1 according to the merit. Mr A.K.Roy, learned counsel for the applicant clarified that though the applicant originally belongs to Other Backward Classes he was placed in the panel against the Scheduled Tribe vacancies as a result of the Ordinance promulgated by the President of India on 27.1.1996 and subsequent Ordinances bringing the Koch Rajbongshi community in the list of Scheduled Tribes relating to the State of Assam. After his selection the respondent No.3, the Chief Personnel Officer (Recruitment Section), N.F.Railway, Maligaon, Guwahati issued a letter No.E/227/66/2/(Rectt)Pt.1 dated 31.3.1997, Annexure-A stating that he was prepared to offer the applicant a post as mentioned therein (not legible) subject to (i) passing of the prescribed Medical examination conducted by an authorised Medical Officer of the Indian Railways, (ii) production of original certificates in support of qualification and (iii) proof of age and the appointment will be subject to the outcome of the O.A.No. 156/96 pending before the Central Administrative Tribunal, Guwahati Bench. According to the applicant he deposited a sum of Rs.24/- on account of pre-recruitment medical examination fee on 2.4.1997 and thereafter he was directed to appear on 4.4.1997 for necessary medical examination. On 4.4.1997 he appeared before the medical authority but the

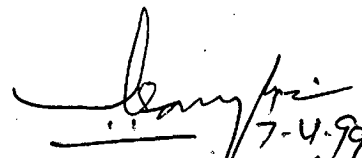
medical authority refused to arrange the medical examination for the applicant without assigning any reason. On 7.4.1997 the applicant appeared before the Medical Director, Central Hospital, N.F.Railway, Maligaon and submitted representation praying for medical examination on that day. However, the authority did not make any arrangement for medical examination of the applicant and no reason was assigned to such failure. Thereafter, the applicant submitted representation to the Chief Personnel Officer, N.F.Railway, Maligaon requesting him to issue necessary direction for medical examination of the applicant for his appointment in the post he was selected. He did not find any response there also and on 11.4.1997 he submitted representation to the General Manager, N.F.Railway, Maligaon for necessary direction to arrange for medical examination of the applicant. The General Manager also did not response to the prayer of the applicant. Finally the applicant sent a legal notice on 11.8.1997 to the General Manager, N.F.Railway, Maligaon and the Chief Personnel Officer (Recruitment Section). Since there was no response from the authorities the applicant submitted this Original Application on 16.12.1997. In this application he has prayed for a direction on the respondents to appoint him in the post he was selected after conducting the medical examination.

2. We have perused the application and heard Mr A.K.Roy, learned counsel for the applicant. No written statement has been submitted by the respondents. There was also no representation on their behalf at the time of hearing on 25.2.1999. In the absence of written statement or any submission for the respondents, there is no sufficient materials for this

Tribunal to decide the matter on merit. Therefore, we direct the respondent No.2, the General Manager, N.F.Railway, Maligaon, Guwahati to dispose of the representation dated 11.4.1997 (Annexure-D), submitted by the applicant before him with a speaking order within a period of 90 days from the date of receipt of this order. The applicant may be heard in person before disposal of the representation. With this direction the application is disposed of.

The application is disposed of as indicated above.
No order as to costs.


(D.N.BARUAH)
VICE CHAIRMAN


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER