

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. OA 280 OF 1998

Applicant(s) Smti Binapani Barua
- Vs -

Respondent(s) Union of India & Ors

Advocate for Applicant(s) Mr. A.K. Jaim
Miss. Jee Das

Advocate for Respondent(s)

Ry. S.K

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form and within the F. of Rs 50 deposited vide C.O. BD No 03/591 dated 2-12-98</p> <p>Requisite 3 copies have been filed.</p> <p><i>[Signature]</i> 3/12/98 Registrar</p> <p><i>[Signature]</i> 3/12/98</p>	4.12.98	<p>This application has been filed by the applicant seeking certain directions and challenging the selection for the post of Office Superintendent Grade-II in the civil Engineering department of N.F.Railway. The facts for the purpose of disposal of this application are :-</p> <p>The applicant is presently working as Head Clerk in the civil Engineering department of N.F.Railway, Maligaon, Guwahati. By Annexure A-2 letter dated 17.3.97 written on behalf of the General Manager(P) intimating to the Secretary to CE/MLG it was intimated that the authority decided to hold a selection for filling up 15 vacancies under Chief Engineer, Maligaon's office. The selection would consist of both written test as well as viva voce test and therefore it was advised that the Head Clerks</p>

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<p>4.12.98</p>	<p>4.12.98</p>	<p>mentioned in the said Annexure A-2 were to be kept in readiness to appear in the written test. In this list of Head Clerk the applicant's name appeared at Sl.No.5). By Annexure A-3 letter dated 4.3.98, 18 persons were found successful to be called for viva voce test. In this list applicant's name appeared in sl.1. In the remarks column of the said letter it was written that the applicant was qualified in relaxed standard. The other SC candidates appeared in sl.No.14 and 15 were also qualified in the similar manner, whereas sl.No.14 Gauranga Kapali was duly qualified. After the viva voce test 11 candidates were finally selected against the 15 vacancies. Sri Gauranga Kapalinand Chakradhar Mazumdar were selected finally. The applicant being aggrieved at the selection submit 3 representations on different dates. However, those representations have not yet been disposed of. Situated thus the applicant has approached this Tribunal.</p> <p>We have heard Mr A.K.Jain, learned counsel for the applicant and Mr J.L. Sarkar, learned Railway standing counsel for the respondents. Mr Jain has strenuously argued before us that the applicant being the senior most SC candidate who was selected by Annexure A-3 written test had been overlooked without any reason. Besides as per the rule seniority should also be recognised by giving the notional marks. However no notional seniority was given. The applicant has not been able to show how he is entitled to get selection, in view of the fact that details are not available before us. This can be done only by the authority before whom the representations are pending. In view of the above, we are</p>

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not inclined to admit this application. We feel that the respondent No.3 should dispose of the representation within 15 days from today by giving a reasoned order and at the time of passing the order, the respondent No.3 shall consider the points raised by the applicant before him. Mr J.L.Sarkar, learned Railway standing counsel shall communicate the same to the respondent No.3. If the applicant is still aggrieved by the decision of the respondent No.3 he may approach the appropriate authorities.

Mr Jain submits that the authority has decided to hold written test for appointment to the post of 21 Office Superintendent Grade II. He prays that it should be deferred till the disposal of the representation. We are not inclined to pass that type of order. However, the applicant may appear in the written test without prejudice to her rights to be selected in the earlier selection.

Application is disposed of. No order as to costs.

Furnish a copy of this order to Mr J.L.Sarkar to enable him to take appropriate action.

By order



Member


Vice-Chairman

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21/12/98

Copies of the order alongwith the application have been sent to the D/Sec. for issuing the same to the Respondent and copy of the order to the applicant through Regd. Mail A/D.

Issued vide despatch. No.

3368 to 3572 dt. 23-12-98

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