

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No. 73 of 199 8

DATE OF DECISION..... 7-6-1999

Sri Kamaleswar Rajbongshi

(PETITIONER(S))

Mr.B.P.Kataki, Mr.H.<sup>D</sup>Das

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr.B.K.Sharma.

ADVOCATE FOR THE  
RESPONDENTS.

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

THE HON'BLE MR.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 VICE-CHAIRMAN



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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 73 of 1998

Date of Decision: This the 7th Day of June 1999

HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN  
HON'BLE MR. G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Sri Kamaleswar Rajbongshi,  
Son of Sri Nabin Ch. Rajbongshi  
Resident of Chandrapur,  
Guwahati, District-Kamrup.

By Advocate Mr. B.P. Katakai, Mr. H. Das

-Vs-

1. Union of India,  
represented by the Secretary, Ministry  
of Social Welfare, Govt. of India,  
New Delhi.
2. The Union of India,  
represented by the General Manager,  
N.F. Railway, Maligaon, Guwahati.
3. The Chief Personnel Officer,  
N.F. Railway, Head Quarter,  
Maligaon, Guwahati.
4. The Railway Recruitment Board, Guwahati  
represented by the Chairman  
Station Road, Guwahati-1.

.. Respondents.

By Advocate Mr. B.K. Sharma.

O R D E R.

BARUAH J(VC):

The grievance of the applicant is that pursuant to the Annexure 6 advertisement dated 01-10-96 the applicant submitted his application dated 1-10-96. The last date of submission of application was 5-11-96. He submitted his application as Schedule Tribe candidate as at that point of time his community (Koach Rajbangshi) was regarded as Scheduled Tribe under the ordinance issued by the Government. This ordinance however, lapsed on 2.4.97. Written test was held on 16-3-97, at the time when the ordinance was in force. On 10-1-98 the final selection was

Cotda/-

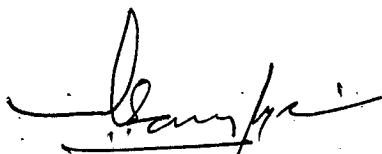
made, on that day however the ordinance ceased to have its effect. The applicant was selected as ST candidate though at the time final selection he was not a ST. Only at the time of submission of form he was a ST candidate. Therefore, according to the applicant he ought to have been appointed on ST quota for which he was selected. The contention of the learned counsel Mr.Kataki is that even if he lost his status as ST he remains a candidate of Other Backward Classes. As Other Backward Classes also he should have been appointed because persons below him on merit namely Sailen Baruah, Sl.No.369 and another person in the list below him had been considered for appointment overlooking the claim of the applicant. These matters require factual consideration. The records have not been made available before the Tribunal and therefore it is not possible for this Tribunal to decide the matter. In the circumstances as submitted by the counsel for the parties we dispose of this application with direction to the respondents to consider the case on scrutiny of the facts. The applicant may file a fresh representation within 15 days from to-day, giving details to his claims. If such representation is filed the respondents particularly respondent No.3 shall consider and dispose of it by a reasoned order. This must be done as early as possible at any rate within a period of 3 months from the date of receipt of the representation. If he gets appointment as OBC quota the applicant may not agitate on other grounds. If, however the applicant is still aggrieved on the decision of the respondents he may approach the appropriate authority.

contd/-

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With the directions made above, the application is disposed of.

Considering the facts and circumstances of the case however, we make no order as to costs.



(G.L. SANGLYINE)  
ADMINISTRATIVE MEMBER



(D.N. BARUAH)  
VICE-CHAIRMAN

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