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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. M.A. 350/00585/2016
(O.A. 350/00131/2016)

Date of order: 16.12.2016

Present : Hon'ble Ms. Jaya Das Gupta, Administrative Member

AJIT KR. DAS & ORS.

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicants : Mr. B. Chatterjee, Counsel

For the Respondents : None

ORDER (ORAL)

Service has been made on the Ld. Counsel for the respondents, Shri M.K. Bandyopadhyay, Ld. Counsel will file short reply or take instructions in M.A. No. 350/00585/2016 on the next date of hearing.

2. In this M.A. No. 585 of 2016 arising out of O.A. 350/00131/2016 the applicant has prayed for an interim relief from the order dated 1.12.2016 issued by Assistant Personnel Officer (ESM) for Sr. Divisional Personnel Officer, Eastern Railway, Sealdah. The prayer is for restraining the respondents not to fill up the post of TCM-III in terms of notification dated 1.12.2016. The relevant portion of the communication dated 1.12.2016 is extracted hereinbelow:-

" No. E-12/S&T/Promotions/2015

Dated: 1.12.2016

SSE/Tele/CNL/SDAH
SSE/Tele/G/SDAH

Sub: Trade Test for promotion to the post of TCM-III
In PB-I, GP Rs. 1900/- against Qualified quota.

Ref: Sr. DSTE/SDAH's Lr. No. SG.2/2/4 (5191) dt. 28.11.16.

Please note and instruct the following staff working under your control to appear in the trade test for the post of TCM-III (PR, Qualified quota) in PB-I, scale Rs. 5200-20200/-, GP 1900/- to be held on the date mentioned below:

The venue of the trade test is the BGA Training School.



The test will commence on and from 12 Noon on 16.12.2016 & 17.12.2016.

All staff whose names have been shown below (Sl. No. 01 to 27) have to attend within 11:30 a.m. for the said Trade Test on 16.12.2016 & 17.12.2016."

3. Thus I see that the trade test for the post of TCM III (PR, Qualified quota) has been scheduled to be held on 16.12.2016 i.e. today and on 17.12.2016.

It is submitted by the applicant that in the list of candidates called for trade test in communication dated 1.12.2016 did not include the names of the applicants who are senior to the persons mentioned in the list. It is evident that the disputed fact concerns fixing of seniority. That is why prayer has been made to stall the trade test which may be taken after the seniority of the applicants vis-à-vis the junior employee are finalised.

4. I am not in favour of issuing an interim order at this juncture stalling the holding of trade test fixed for today and tomorrow. However, it is ordered that the selection process of filling the posts in promotion shall abide by the final decision taken in the O.A. The M.A. is fixed for hearing on 23.12.2016. It appears that there is another M.A. No. 245 of 2016 which is fixed for hearing on 23.12.2016. Therefore, let both the M.A.s be listed on 23.12.2016 for final disposal after which hearing of the O.A. will take place.



(Jaya Das Gupta)
Administrative Member

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