

25-5-2016

LIBRARY

An application under Section 19 of the Administration Tribunal's Act, 1985

on 589/2016

BETWEEN

Subir Biswas, son of Bimal

Biswas, aged about 24 years, by

Occupation-Unemployed,

residing at Vill. Polta, P.O.

Natungram, District - 24

Parganas (N), Pin 743235.

.... Applicant.

AND

1. Union of India, service

through the General Manager,

South Eastern Railway, Garden

Reach, Kolkata-700043.

2. The Chairman, Railway

Recruitment Cell, South Eastern

Railway, Garden Reach, Kolkata-

700043.

3. The Assistant Personnel

Officer (Rectt.), Railway

Recruitment Cell, South Eastern

Railway, Garden Reach, Kolkata-

700043.

.... Respondents.





No. O.A. 350/00589/2018

Date of order: 25.5.2018

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. A.K. Banerjee, Counsel

O R D E R (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. A. Chakraborty, Ld. Counsel for the applicant and Mr. A.K. Banerjee, Ld. Counsel for the official respondents. Affidavit of service, filed by the applicant, is taken on record.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

- "(i) Extend the applicant with the benefit of appointment in Group 'D' post in South Eastern Railway in connection with the recruitment process pursuant to the employment notice No. SER/RRG/OM/01.2013 at an early date since he had been declared successful in all stages and to prepare a replacement panel also in connection with the said process.
- (ii) Publish a final panel in connection with the recruitment process pursuant to the employment notice No. SER/RRG/OM/01.2013 at an early date and not to give effect to part panel published in connection with the said recruitment process.
- (iii) Costs and incidental to this application;
- (iv) Pass such further or other order or orders."

3. As prayed for by Mr. Chakraborty, Ld. Counsel for the applicant, pursuant to an advertisement published by the RRC being Employment Notice No. SER/RRG/OM/01.2013, the applicant applied for the same. He was called for written test where he was declared successful. Thereafter he appeared in the Physical Efficiency/Endurance Test (PET) and was declared successful. After medical examination a final panel was formed as per merit and thereafter the applicant was called for medical test and document verification. A final list was also published but no appointment was offered to the applicant. He preferred a representation on 10.4.2018, which is still pending consideration.

4. Mr. Chakraborty, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is



passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 10.4.2018, within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 2, that if any such representation as claimed by the applicant has been preferred on 10.4.2018 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 10.4.2018 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Chakraborty, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry by the next week.

(A.K. Patnaik)
Judicial Member

SP