

O.A.N. 350/671/2018

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

B E T W E E N

Subhas Nandi, son of Late Sankar

Nandi, aged about 30 years, by

Occupation-Unemployed,

residing at Village Shankaripara,

P.O. - Bankura, Dist - Bankura,

Pin 7722101.

.... 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.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/671/2018

Date of order : 07.06.2018

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

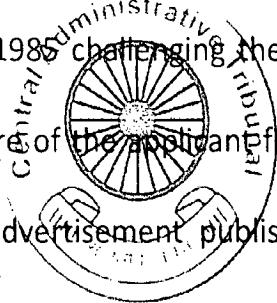
For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. A.K. Banerjee, counsel

ORDER (ORAL)

A.K. Patnaik, Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the action of the respondents in not considering the candidature of the applicant for Group 'D' post under South Eastern Railway as per the advertisement published vide Employment Notice No.SER/RRC/OM/01.2013.



2. In the O.A. the applicant has prayed for the following reliefs:-

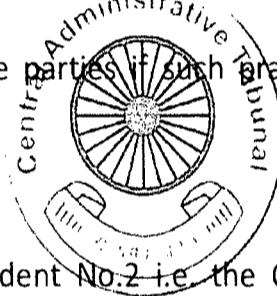
- "(i) Extend the applicant with the benefit of appointment in Group-D post in South Eastern Railway in connection with the recruitment process pursuant to the employment notice No. SER/RRC/OM/01.2013 at an early date since he had been declared successful in all stages and to prepare a replacement panel 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/RRC/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 of and incidental to this application;
- (iv) Pass such further or other order or orders."

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3. Heard Id. counsel Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicant. Mr. A.K. Banerjee, Id. counsel for the official respondents is also present and heard.

4. Mr. A. Chakraborty, Id. counsel for the applicant submitted that the applicant has made a representation on 26/27.04.2017(Annexure A/5) to the Respondent No.2 ventilating his grievances therein, but received no response till date. Mr. Chakraborty further submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.2 to consider and dispose of the representation of the applicant dated 26/27.04.2017(Annexure A/5)as per rules and regulations in force within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if such prayer of the Id. counsel for the applicant is allowed.



5. Accordingly the respondent No.2 i.e. the Chairman Railway Recruitment Cell, South Eastern Railway, Gardenreach, Kolkata is directed to consider and dispose of the representation of the applicant dated 26/27.04.2017(Annexure A/5)as per rules and guidelines in force and communicate the result to him by way of a well reasoned order within a period of six weeks from the date of receipt of a copy of this order. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, the respondent authorities shall grant such benefits to him within a further period of six weeks from the date of taking decision in the matter.

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6. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7. With the above observations and directions, the O.A. is disposed of

8. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to Respondent No.2 by speed post by the Registry for which the Id. counsel for the applicant shall deposit the cost within one week.

(A.K. Patnaik)
Judicial Member

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