

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O. A. No. 744 of 2018

In the matter of :-

An application under Section
19 of the Administrative
Tribunal Act, 1985;

A N D

In the matter of :-

SUDEEP BANERJEE,
Son of K. R. Banerjee,
residing at Dairy Farm,
Fisheries Colony, P.O.
Junglighat, Port Blair,
PIN No. 744103.

.....Applicant

-Versus-

1. Union of India,
Service through the
Secretary, Ministry of Human

SL

Resource Development

Shastri Bhawan, Dr.

Rajendra Prasad Road, New

Delhi - 110001;

1A, The Secretary, District
Rajendra Prasad
Road, Delhi.

2. The Lt. Governor,

A & N Administration,

Port Blair- 744101.

3. The Director of Education

A & N Administration,

Port Blair- 744101.

... Respondents.

4. Ruma Mondal,

Daughter of Rabi Mondal,

Port Blair, A & N

Administration, Port Blair-

744101.

5. Sharmistha Paul,

Wife of Shankar Paul,

Port Blair, A & N Islands,

PIN- 744101.

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Comd. David M. H.
Gen. & W. H. H.
Comd.
Rajendra Prasad
Road
Delhi

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5. Manik Mondal,
Son of Manaranjan Mondal,
Port Blair, A & N Islands,
PIN- 744101.

.....Private Respondents

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No. O.A. 351/00744/2018

Date of order: 5.6.2018

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

For the Applicant : Mr. B.K. Das, Counsel
Mr. A. Dutta, Counsel

For the Respondents : Mr. S.K. Ghosh, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. B.K. Das along with Mr. A. Dutta, Ld. Counsel for the applicant and Mr. S.K. Ghosh, Id. Counsel for the official respondents.

2. This OA has been filed by Shri Sudeep Banerjee, Son of Shri K.R. Banerjee, praying for the following reliefs:

- "i) The impugned provisional merit list for the post of Craft Instructor (Music Vocal /Instrumental) issued on 27.4.2018 by the respondent No. 3 herein be declared illegal and hence set aside;
- ii) The respondents concerned may be directed to consider the applicant for selection for the post of Craft Instructor (Music Vocal/Instrumental) considering the marks obtained by the applicant in the written test;
- iii) The respondents concerned may be directed to disposed of the representation of the applicant dated 23.5.2018 as Annexed A-6 herein at the earliest;
- iv) The cost of the application;
- v) Pass such other Order/orders as the Hon'ble Tribunal may deem fit and proper."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant, are that the applicant appeared in a selection test for the post of Craft Instructor (Music-Vocal/Instrumental). He obtained higher marks in written test than the private respondents, but he was not considered in the provisional merit list. The private respondents despite obtaining lesser marks than him were selected in the merit list on the basis of trade test result, thus the applicant seeks quashing of the Provisional Merit List dated 27.4.2018. He preferred a representation dated 23.5.2018, which is still pending consideration.

W.C.

Mr. Das, 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. 1 to consider and dispose of the representation dated 23.5.2018 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 1 that, if any, such representation as claimed by the applicant has been preferred on 23.5.2018 and the same is still pending consideration, then the same may be considered and disposed of within a period of four 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. 1 within a further period of four weeks from the date of such consideration to include the name of the applicant in the Provisional Merit List. However, if in the meantime, the said representation stated to have been preferred on 23.5.2018 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. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 1 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by this week.

(A.K. Patnaik)
Judicial Member