

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/816/2016

Date of Order: 03.02.2017.

Present

Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Mrs. Jaya Das Gupta, Administrative Member

Anand Prakash Agarwal, son of Dwarka
Das Agarwal, residing at Lal Bagh Colony,
Tilkamanjhi, P.O. Bhagalpur, Bihar- 812001.

.....Applicant

-versus-

1. Union of India through the General Manager,
Eastern Railway, 17, Netaji Subhas Road,
Kolkata- 700001.
2. The Chairman, Railway Recruitment Board,
Malda having his office at Kalihari Railway
Colony, P.O. Jhaljhalia, District- Malda 732101,
(West Bengal).
3. The Assistant Secretary, Railway Recruitment
Board, P.O. Jhaljhalia, District- Malda, Pin-
732101 (West Bengal).

.....Respondents.

WLN

For the Applicant : Mr. N. Roy, Counsel

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

ORDER (Oral)

Per Mr. A.K. Patnaik, Judicial Member:

Heard Mr. N. Roy, Ld. Counsel for the applicant and Mr. A.K. Guha, Ld. Counsel for the respondents.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 challenging the order dated 7.4.2016 by Assistant Secretary, RRB, Malda and Order No. RRB/MLDT/RTI-2005/Pt.-V(i) dated 7.4.2016 passed by Public Information Officer & Assistant Secretary, RRB, Malda and seeking the following prayers:-

- "a) To issue direction upon the respondents to give question booklet where the applicant has appeared in the Examination for the post of Trained Graduate Teacher (Arts) English literature for English Medium under category no. 71 forthwith;
- b) To issue further direction upon the respondent that the answer script has given by the respondent but question booklet should also be given forthwith;
- c) To issue direction upon the respondent by representation dated 16.3.2016 may be disposed of.
- d) To issue direction upon the respondents that the answer script given by the respondent authority applicant has given 75 answer correctly but respondent has given only answer of 60 questions. Accordingly the applicant has entitled for the post of Trained Graduate Teacher (Arts) English literature for English Medium may be given where vacancy is available for till date forthwith;



e) To produce connected departmental record at the time of hearing;

f) Any other order or orders learned Tribunal deemed fit and proper.

g) Interim order if any prayed an interim order of injunction upon the respondent now post is till date vacant so the applicant prayed for appoint for the post of Trained Graduate Teacher (Arts) English Literature for English Medium to the respondent."

3. Mr. N. Roy, Ld. Counsel for the applicant submits that on 08.05.2010 a centralized Employment Notice No. 08/2010 was published by the Government of India, Ministry of Railways, Railway Recruitment Boards inviting applications for different post under various categories. Pursuant to the said notification the applicant applied for the post of Trained Graduate Teacher (Arts) for English Literature for English Medium under Category No. 71 of the said Employment notice on 2.6.2010. Written Test Examination was held at North Point English Academy Malda on 2.6.2010 and the applicant appeared in the said Written Test. The result was published in Hindustan Newspaper Bhagalpur edition for the said written test. Subsequently on 13.02.2014 the applicant sent a demand justice to the respondent seeking his claim but in vain. Aggrieved by the same the applicant preferred the instant on 19.2.2014.

3. Mr. Roy, Ld. Counsel for the applicant submitted that he will be satisfied if a direction is given to the respondents to consider his representation. It has been contended that till date the representation so preferred to respondent No. 2 has not yet been considered and if a specific direction could be issued to respondent No. 2 to consider the said representation then the grievance of the applicant could be redressed to



some extent.

4. Therefore, without awaiting for any reply, we think it proper to dispose of the instant O.A. by directing the respondent No. 2 that, if any such representation has been preferred as stated by the Ld. Counsel for the applicant under Annexure A-11 on 16.3.2016 and the same is still pending consideration then the same may be consider keeping in mind the rules and regulation in force and communicate the result thereof by way of a a reasoned order within a period of six weeks from the date of receipt of this order.

5. Though we have not expressed any opinion on the merits of the matter still we hope and trust that if the grievance of the applicant is found to be a genuine one then expeditious steps may be taken by the respondents to extend him the benefits within a further period of three months from the date of receipt of a copy of this order.

6. With this observation, this O.A. stands disposed of as prayed by Ld. Counsel for the applicant. This order along with paper book to be transmitted to respondent No. 2 at the cost of applicant by speed post for which he undertakes to deposit the amount within one week.

7. This O.A. is accordingly disposed of.


(Jaya Das Gupta)
Administrative Member


(A.K. Patnaik)
Judicial Member

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