



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.350/00963/2017

In the matter of :

An application under Section
19 of the A.T. Act, 1985.

And

In the matter of :

Sri Suman Biswas, aged
about 30 years, son of Sri
Samar Biswas, residing at
North Suravisthan, Post
Office- Badkulla, P.S.-
Taherpur, District- Nadia,
Pin- 741121.

.... Applicant

Versus

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1. Union of India service
through the Secretary,
Ministry of Communication,
Department of Posts, Dak
Bhawan, New Delhi-110001.

2. The Chief Post Master
General, W.B. Circle, Yoayog
Bhawan, C.R. Avenue,
Kolkata- 700012.

3. The Senior Manager,
Mail Motor Services, Kolkata,
Department of Posts, Office
of the Senior Manager, 139,
Belaghata Road, Kolkata-
700015.

... Respondents

WCC

No. O.A. 350/00963/2018

Date of order: 19.7.2018

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

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : None

ORDER (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. K. Sarkar, Ld. Counsel for the applicant.

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

- "(a) To issue direction upon the respondents that the impugned rejection order dated 06.02.2018 may be cancelled, quash and set aside forthwith.
- (b) To issue direction upon the respondents and their men and agents to allow the applicant to apply for the post of staff care driver in terms of notification dated 07.03.2018 as OBC candidate forthwith.
- (c) To issue appropriate necessary direction to produce connected departmental records at the time of hearing.
- (d) Any other order or orders as the Learned Tribunal deem fit and proper."

3. As prayed for by Mr. K. Sarkar, Ld. Counsel for the applicant, that the applicant is aggrieved for not considering him for the post of staff car driver as he has repeatedly appeared and got selected but due to certain reasons his candidature has been cancelled by the respondent authorities. He made a representation on 12.3.2018 stating that his candidature was rejected on the ground that the applicant's date of birth recorded in the driving license is different from his date of birth recorded in the admit card of Madhyamik Examination and seeks for quashing of the notification dated 7.2.2017

4. Mr. Sarkar, 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 Nos. 2 & 3 to dispose of the representation dated 12.3.2018, within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent Nos. 2 & 3, that if any such representation as claimed by the applicant has been preferred on

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12.3.2018 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 Nos. 2 & 3 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 12.3.2018 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. It is made clear that till the representation dated 12.3.2018 is disposed of no action as per Annexure A-9 be taken.

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

9. As prayed for by Mr. Sarkar, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 & 3 by speed post for which Mr. Sarkar undertakes to deposit necessary cost in the Registry by the next week.

(A.K. Patnaik)
Judicial Member