

No. O.A. 350/1141/2018

M.A. 350/573/2018

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANTS:

- (I) Dilip Kumar Sharma, son of Ram Chandra Sharma, aged about 35 years, working as Khalasi, residing at DDJ Rly Quarter no. 50/F 3<sup>rd</sup> Floor M C. Garden Road, P.S. Ghuhhudanga, P.O. Borabazar, Kolkata 70030, North 24 Paraganas.
- (II) Pankaj Kumar Sharma, son of late Kapil DEO Sharma, aged about 32 years, working as Khalasi, residing at 1150 Tara Maa Tower 4<sup>th</sup> floor Sahid Hemanta kumar Basu Sarani, Dum Dum, P.S. Ghughudanga, P.O. Dum dum Road, Kolkata 700074, North 24 Pgs.
- (III) Ramesh Singh, son of late Kishnu Singh, aged about 40 years, working as Khalasi/Helper, residing at Halishar Rly Qtr. No. 138A, North Colony, P.O. Nabangar, P.S. Bizpur, Pin 743136
- (IV) Subhash Chandra Bose, son of Shushil Prasad Yadaw, aged about 42 years, working as Khalasi, residing at Narkebndaga Rly Qtr No. L34/D, P.O. Narkeldanga, Kolkata 700 011

..... APPLICANTS

V E R S U S

- i) Union of India, through the General Manager, Eastern Railway, Fairle Place, Kolkata 700 001
- ii) The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata 700014

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iii) The Assistant Personnel Officer -I, Eastern Railway, Sealdah  
Division, Sealdah Kolkata 700014

... ..RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

No.O A /350/1141/ 2018  
M.A.350/573/2018

Date of order: 07.08.2018

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

For the applicant : Mr. A. Chakraborty, counsel  
Ms. P. Mondal, counsel  
For the respondents : None

**ORDER(Oral)**

**A. K. Patnaik , Judicial Member**

This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(i) An order do issue directing the respondent to reconduct the selection test for promotion to the post of Technician Grade-III against 25% QSQ Quota since the question paper in Hindi version was not provided to the applicant in the examination Hall in time.

(ii) Action of the respondents to the extent of providing reservation in respect of vacancies under impugned Annexure A-1 may be declared illegal and unsustainable in view of law laid down by the Hon'ble Apex Court.

(iii) Leave may be granted to add the other applicants under Rule 4(5)(a) of the CAT procedure Rule."

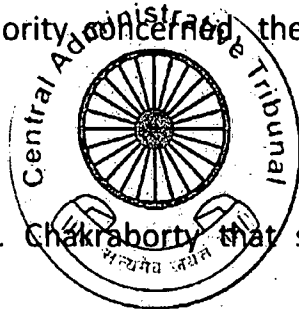
2. The applicants have also filed an M.A.No.350/573/2018 seeking permission of this Tribunal to move the O.A. jointly under Rule 4(5)(a) of CAT(Procedure) Rules.

3. Heard Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicants: None appears for the official respondents.

4. The M.A. for joint prosecution is allowed.

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5. So far as the O.A. is concerned, Mr. A. Chakraborty, Id. counsel for the applicants submitted that a corrigendum was issued by the respondent authorities for filling up 29 vacancies for promotion to the post of Technician Grade III against 2 to percent QSQ. The applicants were found eligible by the Scrutiny Committee for appearing in the selection test for promotion to the post of Technician Grade-III. It is further submitted by Mr. Chakraborty that a panel of selected candidates was published wherein the names of the applicants did not find any place, therefore, the applicants made representations to the authority concerned for making an enquiry in respect of conducting of selection test on the ground that question paper in Hindi version were supplied to the applicants after one hour from actual starting time of the test. As the applicants' case has not been considered by the authority concerned they have come to this Tribunal seeking the aforesaid reliefs.



6. It is submitted by Mr. Chakraborty that several judgments have been delivered by different courts of law which goes to say that the applicants are entitled to the similar benefits.

7. However, on sincere prayer made by Id. counsel for the applicants Mr. A. Chakraborty, liberty is granted to the applicants to make detailed comprehensive representations ventilating their grievances to the Respondent No.1 i.e. the General Manager, Eastern Railway, Fairlie Place, Kolkata within a period of two weeks from the date of receipt of this order. If such representations are filed within two weeks, then the Respondent No.1 i.e. the General Manager, Eastern Railway, Fairlie Place, Kolkata shall consider the same and pass a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of such representations from the applicants. No further

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action shall be taken by the respondents for promotion to the next hierarchy till such representations (to be filed) of the applicants are disposed of and the results are communicated to them. After such consideration if the applicants are found entitled to the benefits claimed, the respondent authorities shall grant the consequential benefits to the applicants within a further period of six weeks from the date of taking decision in this regard.

8. It is made clear that I have not gone into the merits of this case and all the points to be raised by the applicants in their representations are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

9. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

10. As prayed by Id. counsel for the applicants, a copy of this order along with the paper book be transmitted to Respondent No.1 by the Registry through speed post for which Id. counsel for the applicant shall deposit the cost within one week.



( A. K. Patnaik )  
Judicial Member