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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 350/1336/2016

Date of order : 24.1.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member  
Hon'ble Ms.Jaya Das Gupta, Administrative Member

**BABITA KUMARI**

W/o Dinesh Kumar Gupta,  
Aged about 38 years, unemployed,  
R/o Driver Tola, Ward No. 17,  
P.O. & P.S. - Katihar,  
Dist.- Katihar, Pin - 854105,  
State - Bihar,  
Written Exam Roll No. - 3227656.

...APPLICANT

VERSUS

1. Union of India, service through  
General Manager,  
South Eastern Railway,  
11 Garden Reach Road,  
Kolkata - 700043.
2. The Chairman (Rectt)  
Railway Recruitment Cell,  
South Eastern Railway,  
11 Garden Reach Road,  
Kolkata - 700043.
3. The Assistant Personnel Officer (Rectt)  
South Eastern Railway,  
11 Garden Reach Road,  
Kolkata - 700043.

...RESPONDENTS.

For the applicant : Mr.S.K.Dutta, counsel

For the respondents: Mr.B.P.Manna, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

This OA has been filed by the applicant under Section 19 of the A.T. Act,  
1985 seeking the following prayers :

- a) An order rejecting the candidature of the applicant is neither bonafide nor justified and cannot be sustained;
- b) An order directing the respondents to cancel, rescind, withdraw, quash and set aside the purported order NO. SER/P-HQ/RRC/565/350/00829/2016 dated 10.8.2016 reasons for

- rejection that application form is before the notification dated 29.9.12 is bad in law and cannot be sustained;
- c) An order holding that the rejection of candidature of the applicant only on ground that application form submitted by the applicant before the date of notification dated 29.9.12 and as per para 8.8.5 of the notification authority would be free to reject any application not fulfilling the requisite criteria, at any stage of recruitment, at this belated stage is bad in law and arbitrary and cannot be sustained;
  - d) An order directing the respondent to extend the benefit to the applicant forthwith in the light of the judgment delivered by the Hon'ble Tribunal dated 7.1.2016 being OA No. 31/16 aforesaid order of the Hon'ble Tribunal already been implemented by the said authority;
  - e) An order directing the respondents to recall the decision regarding rejection of candidature of the applicant and further directing them to give appointment to the applicant as per her merit position with all consequential benefits within period as to this Hon'ble Tribunal may seem fit and proper;
  - f) An order directing the respondents to produce entire records of the case at the time of adjudication for conscionable justice;
  - g) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.

2. Heard Mr.S.K.Dutta, Id. Counsel appearing for the applicant and Mr.B.P.Manna, Id. Counsel appearing for the respondents.

3. Mr.Dutta brought to our notice that though the applicant was denied the benefit earlier, but after some similarly situated persons filed OA 829/16 disposed of on 10.2.2016 and OA 31/16 disposed of on 7.1.2016 (Annexure A/4 and A/6 respectively), the applicant wants to file a comprehensive representation enclosing all those judgments and subsequent judgments, addressed to respondent No.2 i.e. Chairman, Railway Recruitment Cell, South Eastern Railway within a period of 2 weeks from today and a specific time frame may be granted to the respondent No.2 to consider the same and communicate the result thereof.

4. We do not find that it will be <sup>prejudicial</sup> ~~prejudicial~~ if liberty is granted to the applicant to file a comprehensive representation enclosing all the judgments and specifically pinpointing the applicability of the judgments to the instant OA within a period of 2 weeks. If such a representation is filed, respondent No.2 shall consider the same keeping in mind the judgments and applicability of the same on the applicant and communicate the result thereof within a period of 4 weeks from the date of receipt of the representation.

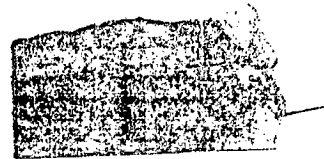
5. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation to be made are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force as well as the applicability of the judgments, still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of 3 months from the date of such consideration to extend those benefits to the applicant.

5. A copy of the order be handed over to Id. Counsel for both sides and Id. Counsel for the applicant will be at liberty to annex the copy of this order along with the representation to be made by the applicant.

6. With the aforesaid observation and direction the OA is disposed of.



(JAYA DAS GUPTA)  
MEMBER (A)



(A.K. PATNAIK)  
MEMBER (J)

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