

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/01446/2016
M.A. 350/00469/2016

Date of order : 21.3.2017



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

Shri Pradyut Pal,
Son of Dulal Ch. Pal,
Aged about 40 years,
Unemployed,
Residing at 10, Thakurdas Ghosh Street,
P.O. Belurmath,
Howrah – 711 202.

.....Applicant.

-V E R S U S -

1. The Union of India through the
General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.
2. The Chief Workshop Manager,
Eastern Railway,
Liluah,
Howrah – 711 204.
3. The Assistant Welfare Officer,
Eastern Railway,
Liluah,
Howrah – 711 204.

.....Respondents.

For the Applicant : Mr. P.C. Das, Counsel

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

O R D E R (Oral)

Heard Mr. P.C. Das, Ld. Counsel for the applicant and Mr. A.K. Guha,
Ld. Counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative
Tribunal Act, 1985 being aggrieved by the fact that the applicant completed

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the apprentice training and received apprenticeship training certificate under the Apprentices Act, 1961. He received apprenticeship training in the Carriage and Wagon Workshop, Liluah, Eastern Railway, Howrah. Thereafter the applicant was called to appear in the screening test for appointment in the Group- D post. He was declared suitable for appointment in the Group-D post and accordingly, a provisional appointment letter was issued in his favour. The applicant was called to appear for medical test in order to ascertain his fitness. He was declared medically fit for appointment in the Railway but no appointment order was issued in his favour till date. Therefore, by filing the instant O.A.; he has sought for the following reliefs:-

"(a) An order do issue directing the respondents to grant an appointment in favour of the applicant in the temporary post of Sub Helper-II."

3. The facts of the case in a nut shell are that the applicant completed Act an Apprentice and received Apprenticeship Training certificate under the Apprentices Act, 1961. He received apprenticeship training in the Carriage and Wagon Workshop, Liluah, Eastern Railway, Howrah. Thereafter the applicant was called to appear in the screening test for appointment in the Group -"D" post. He was declared suitable for appointment in the Group-"D" post. Thereafter provisional appointment letter was issued in his favour. The applicant was called to appear for medical test in order to ascertain his fitness. He was declared medically fit for appointment in the Railway. As the appointment was not granted, the applicant along with others moved an original application before this Tribunal being OA No. 565 of 2011 which was dismissed for default for non-prosecution. The applicant preferred one representation on 22.12.2015 with a prayer to allow him to join in Group-D post as he was declared fit for appointment. The application was only dismissed for default and it was not

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dismissed on merit and hence there is no bar in entertaining this O.A. He also submitted that in view of the judgment passed by the Hon'ble Apex Court, there is no bar to file an O.A. on the self same issue as the O.A. was not dismissed on merit. The applicant submits that as he was declared suitable for appointment and as the appointment letter was not issued in his favour, there is no bar to allow him to join service under the Railway. The representation dated 22.12.2015 is still pending consideration.

4. Mr. P.C. Das, Ld. Counsel 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. respondents No. 2 to dispose of the representations dated 22.12.2015 within a specified time frame.

5. Therefore, without waiting for the reply I think it appropriate to dispose of this O.A. by directing the respondent No. 2 that if any such representation has been preferred on 22.12.2015 and is still pending consideration then the same may be considered and disposed of within a period of two months under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of two months from the date of such consideration to issue order of appointment in favour of the applicant.

6. A copy of this order along with paper book be transmitted to the respondents No. 2 by speed post for which Mr. P.C. Das undertakes to deposit necessary cost by Friday.

7. With the aforesaid observation and direction, the O.A. is disposed of. However, as I have not entered into the merits of the case, the condonation of delay application is disposed of accordingly.


(A.K. Patnaik)
Judicial Member

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