

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/1771/2017

Date of Order: 20.02.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Sunil Kumar Naskar, aged about 45 years,
son of late Monmotha Nath Naskar, of
Village-Ramkrishnapur, Post Office-
Rashkhali, Police Station-Bishnupur,
District- South 24 Parganas, Pin- 743610.

.....Applicant.

-versus-

1. Union of India, Ministry of Railways,
Government of India, Rail Bhavan,
Raisina Road, New Delhi- 110001,
Service through its Secretary;
2. The Railway Board, Ministry of Railway,
Government of India, Rail Bhavan, Raisina
Road, New Delhi- 110001, service through
Its Chairman.
3. The Chairman, the Railway Board, Ministry
of Railway, Government of India, Rail Bhavan,
Raisina Road, New Delhi- 110001.
4. South Eastern Railway, Garden Reach, 11,
Garden Reach Road, Kolkata- 700043, service
Through its General Manager.
5. The General Manager, South Eastern Railway,
Garden Reach, 11, Garden Reach Road, Kolkata-
700043.
6. The Deputy Director, Establishment (R) II,
Railway Board, Ministry of Railway, Govt.
Of India, Rail Bhavan, Raisina Road, New
Delhi- 110001.
7. The Chief Personnel Officer, South Eastern
Railway, Garden Reach, 11, Garden Reach
Road, Kolkata- 700043.

.....Respondents.

For the Applicant : Ms. P. Das, Counsel

For the Respondents : Ms. S.D. Chandra, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

At the outset Id. Counsel for applicant Ms. P. Das submits that she is not going to press the matter and accordingly prays for withdrawal of the present OA with liberty to file afresh, if the applicant otherwise aggrieved.

2. By accepting the prayer made by Id. Counsel for applicant, the OA is dismissed as withdrawn. However, liberty is granted to the applicant to approach before this Tribunal by filing fresh OA, if so desired.

3. Accordingly, OA is dismissed as withdrawn.

pd



(Manjula Das)
Member (J)

The applicant has filed this application under Section 19 of Administrative Tribunals Act, 1985 seeking the following reliefs:

“(a) An order directing the respondents to provide appointment to the applicant in Group-‘D’ post in Railway service under the Ministry of Railway, Government of India taking into consideration the Memo dated 19/21.10.2011 issued by the Deputy Director (R) II, Railway Board, Ministry of Railway, Government of India.

(b) Call for the records of the case on perusal thereof considerable justice may be done in favour of the applicant.

(c) Any other order or further order/orders as to this Hon’ble Tribunal may deem fit and proper.

(d) Cost of the proceeding.”



2. Heard Ms. P. Das, learned counsel for the applicant. Ms. S.D. Chandra, learned counsel for the respondents is also present and heard. I have perused the pleadings and materials placed before me.

3. The sum and substance of this case as narrated by learned counsel for the applicant are that the applicant applied for appointment in Railway services under General Manager’s quota in the year of 2009 and his application was forwarded by the Member of Parliament (Lok Sabha), but thereafter no step was taken by the respondent authorities to give appointment to the applicant.

It is submitted by the Id. Counsel for applicant that the applicant represented the authorities to know the fate of his appointment under the railways and also filed applications to the concerned authority under RTI Act when it was intimated

to the applicant that recruitments are being made through Employment Notification.

Learned counsel for applicant submitted that in 2014, the applicant collected information from reliable sources that the Deputy Director, Estt. (R) II, Railway Board intimated the General Manager (P), South Eastern Railway, Kolkata vide letter dated 19/21.10.2011 (Annexure A-5 to the OA) that in regard to thirteen representations addressed to the M.P./MSR(V)/Prime Minister's Office/Board, necessary appropriate action as per the extant rules should be taken and the applicants should be suitably advised of the position within a month under intimation to Board.

It has come to the knowledge of the applicant that a list containing 13 candidates was prepared for appointment under the Railways in which the applicant's name found placed at Sl. No. 5 but the respondent authorities remained silent thereafter.



Learned counsel for the applicant further submitted that the applicant made several representations to the authority concerned to know about the fate of his appointment on the basis of the list prepared for the purpose of appointment and also filed applications under RTI Act, 2005.

The respondent authorities vide letter dated 22.05.2017 (Annexure A-16 to the OA) informed the applicant that all appointments against Group-'D' vacancies in this Railways would be filled up through open market on the basis of competitive examination followed by Physical Efficiency Test conducted by Railway Recruitment Cell. The applicant was further advised to apply to the authority concerned as and when notifications for such appointment are published in

Employment News and other leading News Papers.

Being aggrieved by the denial of appointment, the applicant has filed this OA seeking the aforesaid reliefs.

4. Learned counsel for applicant submitted that the applicant would be satisfied if he is permitted to withdraw this O.A. with liberty to file a representation to the authority concerned ventilating his grievances therein and the competent authority is directed to consider and dispose of the same as per rules within a specific time frame.

5. Learned counsel for respondents has no objection to the prayer made by the Id. Counsel for applicant.

6. In view of above, the O.A is dismissed as being withdrawn. Liberty is given to the applicant to file a comprehensive representation to the respondent authority concerned ventilating his grievances therein within a period of 15 days from the date of receipt of a copy of this order. The competent respondent authority is directed to consider and dispose of such representation of the applicant, if so filed, within a further period of 3 months from the date of receipt of such representation from the applicant. The decision so arrived at, shall be communicated to the applicant forthwith.

7. It is made clear that I have not gone through the merits of this O.A. and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations in force.

8. With the aforesaid observations, the O.A. is disposed of as 'withdrawn'. No



order as to costs.

(Manjula Das)
Member (J)

pd

