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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

An application under Section 19 of the Administrative Tribunal Act, 1985

Original Application No.350/ 1777 of 2017

Debmalya Ghosh

Son of Nihar Ranjan Ghosh, aged about

26 years, by occupation - unemployed,

residing at 9A, Roy Bagan Street,

Kolkata - 700006.

.....Applicant

-Versus-

1. Union of India, service through the

General Manager, North Front Railway,

Gawahati, Assam - 781015.

2. Railway Recruitment Board,

R.N.R. Siliguri, Post Office and District -

Siliguri, PIN - 734004.

3. Chief Personnel Officer, N.F.

Railway, Gowahati, Assam - 781015.

4. The Chairman of the Selection

Committee, R.R.B., N.R. Rail, Siliguri -

734004.

Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/1777/2017

Date of order : 24.05.2018

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

For the applicant : Mr. S.N. Ali, counsel
Ms. T. Basak, counsel

For the respondents : Mr. A.K. Banerjee, counsel

ORDER (ORAL)

A.K. Patnaik, Judicial Member

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

"8(a) An order directing the respondents, their agents, subordinates and successors to Aptitude Test Answer Sheet of Test – G of Test – 5 and to produce the records relating to the Aptitude Test of the applicant;

(b) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove;

(c) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper."

2. Heard Mr. S.N. Ali and Ms. T. Basak, Id.counsel for the applicant. Mr.

A.K.Banerjee, Id. counsel for the official respondents is also present and heard.

3. At the outset, Mr. A.K. Banerjee, Id. counsel for the official respondents raised objection to the maintainability of this O.A. stating that the applicant has

approached this Tribunal without approaching the respondent authorities/exhausting the remedies available to him under the rules, therefore, this case is hit by Section 20 of the Administrative Tribunals Act, 1985.

4. On our query, Mr. Ali, Id. counsel for the applicant fairly submitted that the applicant would be satisfied for the present if he is allowed to file a comprehensive representation to the Respondent No.2 i.e. the Railway Recruitment Board and the said authority or any other competent authority is directed to consider and dispose of the same as per rules/guidelines in force, if so filed, within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if such prayer of the Id. counsel for the applicant is allowed.

5. Accordingly liberty is given to the applicant to make a comprehensive representation to the Respondent No.2 and 3 i.e. the Railway Recruitment Board, R.N.R., Siliguri and the Chief Personnel Officer, N.F. Railway, Gawahati, Assam ventilating his grievances therein and annexing the necessary documents with the same within a period of 15 days from the date of receipt of a copy of this order and if such representation is filed within 15 days, the said respondent authorities or any other competent authority is directed to consider and dispose of the said representation as per rules and guidelines governing the field and communicate the decision to the applicant by way of a well reasoned order within a period of six weeks from the date of receipt of such representation. After such consideration, if the applicant is found entitled to the benefits as claimed in the



(W.L)

representation, the respondent authorities shall grant such benefits to him within a further period of six weeks from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7. With the above observations and directions, the O.A. is disposed of.

8. A copy of this order be handed over to the Id. counsel for both sides. The applicant may annex a copy of this order along with the representation to be filed by him to the respondent authorities.

sb



(A.K. Patnaik)
Judicial Member