



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
234/4, A.J.C. BOSE ROAD, 2ND M.S.O. BUILDING
NIZAM PALACE COMPLEX
KOLKATA - 700 020

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL
ACT, 1985

O. A. No. 1811 of 2016

BETWEEN

SMT. PARAMITA BASU
(MUKHERJEE)
.. .. Applicant

AND

THE UNION OF INDIA & ORS.
.. .. Respondents

DETAILS OF THE APPLICATION :

Particulars of the Applicant :

Dr. Paramita Basu (Mukherjee), wife of
Chiranjib Mukherjee, residing at 27/3,

M.B. Road, Behala, P.S. Parnasree,
Kolkata - 700 060.

- Versus -

Particulars of the Respondents:

- i) The Union of India, service through the Secretary, Department of Environment, Forest & Climate Change, having office Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
- ii) The Director General of Forests and Special Secretary, Department of Environment, Forest & Climate Change, having office Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
- iii) The Deputy Secretary, Department of Environment, Forest & Climate Change, having office Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.

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- iv) The Under Secretary, Department of Environment, Forest & Climate Change, having office Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
- v) The Zoological Survey of India, having office at Prani Vigyan Bhawan, M-Block, New Alipore, Kolkata - 700053.
- vi) The Director, The Zoological Survey of India, having office at Prani Vigyan Bhawan, M-Block, New Alipore, Kolkata - 700053.

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No. O.A. 350/01811/2016

Date of order: 2nd November, 2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. B. Bhusan, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

ORDER

Per Dr. Nandita Chatterjee, Administrative Member:

Heard Ld. Counsel for both sides.

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

"1. An order be passed directing the respondent authorities concerned to issue call letter so that the applicant can participate into the recruitment process for the post of Scientist D (Advt. No. 01/15/2015-P.III; Post No. 14-26/ZSI (Invertebrate) in Zoological Survey of India.

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2. An order be passed directing the respondent authorities concerned to allow the applicant to participate in the selection process for the post of Scientist D (Advt. No. 01/15/2016-P.III; Post No. 14-26/ZSI - (Invertebrate) in Zoological Survey of India."

3. On a perusal of the records, we find that a Division Bench of this Tribunal while taking up the matter at the time of admission, had passed an interim order on 22.12.2016, the operative portion of which reads as under:-

"9. Hence, notice be issued to the respondents returnable within a period of three weeks. In the meantime, the applicant is permitted provisionally to appear in the process of selection as stated by the applicant subject to conditions that if the applicant is found having requisite qualifications as mentioned in the advertisement and subject to other requisite conditions."

4. In pursuance of the said interim order the applicant was allowed to appear in the selection process and to appear in the interview but the result was not declared due to the orders passed by this Tribunal on 22.12.2016.

When the matter came up further on 5.9.2017, the Tribunal had further

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directed as follows:-

"5. Learned Counsel appearing for the respondents would state that the applicant was short listed and she was not called upon to participate in selection process for the reasons that the Ministry had taken a decision to minimize the number of persons to be interviewed. No reply has been filed by the respondents so far. The decision taken by the Ministry is not before us. It requires examine by this Tribunal. Hence, we are of the view that the M.A. is pre-mature and cannot be allowed at this stage. However, respondents are directed to file reply within two weeks positively without any fail. In case, no reply is filed, it shall be presumed that the applicant was qualified to appear in the examination and the matter shall proceed accordingly. List this case on 26 Oct. 2017."

5. Despite such direction, however, no reply has been filed by the respondents and the Ld. Counsel appearing on behalf of the respondents submitted that as the matter is awaiting direction from the Ministry of Environment & Forests with Headquarters at New Delhi, some more time is required to file a reply in response to said directions.

6. The Tribunal had, with finality, stated that in case no reply is filed it shall be presumed that the applicant is qualified to appear in the examination and the matter shall proceed accordingly.

7. Hence, any scope of granting further time to file reply can only be taken up by the Bench which had passed such orders on 5.9.2017. It is also recorded that the Ld. Counsel for the respondents has not filed any petition seeking extension of time to file reply.

8. Hence, we are of the view that this matter can appropriately be adjudicated by the same Bench which had passed its order on 5.9.2017 and Registry is directed to list this matter accordingly.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member