IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No/350/00188 of 2017

Shri Chandan Kumar sonof Umakant Prasad aged about 31 years, Unemployed yout, residing at Vill. Sotachak, P.O. Sakraicha, P.S. Parsa Bazar, Dist. Patna, State of Bihar, Pin – 804453, Written Examination Roll No. 5125432.

... Applicant

- Versus –

1. Union of India, service through the General Manager, South Eastern Railway, 11, Garden Reach Road, Kolkata -700 043.
2. The Chairman, Railway Recruitment Cell, South Eastern Railway, 11, Garden Reach Road, Kolkata - 700 043.
3. The Assistant Personnel Officer (Rectt.), South Eastern Railway, 11, Garden Reach Road, Kolkata -700 043.

... Respondents

No. O.A. 350/00188/2017 Date of order: 5.6.2017

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

For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : None

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. J.R. Das, Ld. Counsel appearing for the applicant.

2. This OA has been filed by Sri Chandan Kumar, an Unemployed youth challenging acts on omissions on the part of the respondents in not recommending his candidature and keeping it pending on the ground that the date of purchase of IPO was not mentioned in the application form and acts on omissions on the part of the respondents not to empanel his name in the final list after medical examination, which was kept pending on the ground that the date of purchase of IPO was not mentioned in the application form. This information was communicated to him after filing an RTI application. This O.A. has been filed praying for the following reliefs:

> "i) An order directing the respondents to cancel, rescind, withdraw, quash and set aside the information dated 21.12.2016 "Remarks column issued by APO (Rectt.) for Chairman /RRC/ S.E. Railway that his application form he was not mentioned purchased date of IPO in the application form is bad in law and cannot be sustained.
> ii) An order holding that the kept pending of candidature of the applicant dated 21.12.2016 on the ground that purchased date of IPO was not mentioned in the application form is bad in law and arbitrary and cannot be sustained;
> iii) An order directing the respondents to recall the decision regarding kept pending of the candidature of the applicant and further directing them to give appointment to the applicant as per his merit position with all consequential benefit within period as to this Hon'ble Tribunal may seem fit and proper.
> iv) An order directing the respondents to extend the benefit to the applicant in the light of the Judgement delivered by the Hon'ble Tribunal.
> v) An order directing the respondents to produce entire records of the case at the time of adjudication for conscionable justice;
> vi) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. The facts in a nut shell as per Mr. Das are that the applicant applied against Employment Notice No. SER/RRC/02/2012 dated 29.9.2012 for recruitment in a Group 'D' post at PB-I with Grade Pay of Rs. 1800/-. He is a OBC candidate and he duly appeared in the written examination. On being successful in the written examination he was called for Physical Efficiency Test (PET) and thereafter on being successful he was called to attend for document verification and subsequently he was called for medical examination, which is the final stage of selection. He waited for a period of more than a year. He thereafter submitted an application under RTI act and was informed that his case was kept pending on the ground that he did not mention the date of purchase of IPO in the application form.

4. On being questioned as to how this O.A. will be maintainable as Section 20 of the Administrative Tribunal Act, 1985 provides that the applicant has to ventilate his grievance first before the appropriate authority Mr. Das fairly submitted that the applicant wants to bring it to the notice of the appropriate authority. The well settled position of law is that the grievance of the applicant, as in the instant O.A., can be redressed by way of making a comprehensive representation enclosing this order addressed to respondent No. 2 within a period of 2 weeks from today and accordingly this O.A. is disposed of by granting liberty to the applicant to make a comprehensive representation enclosing the relevant documents as advised within a period of two weeks from today and, if any such representation is preferred within a period of two weeks from today, the concerned respondent No.2 is directed to consider and dispose of the same keeping in mind the well settled position of law as well as the issue in dispute and communicate the result thereof by a well reasoned order within a period of two months from the date of receipt of the representation 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 three months from the date of such consideration to extend such benefits to the applicant.

5. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

6. As prayed by Mr. Das, the applicant is also granted liberty to annex copy of this order along with the representation.

7. With the aforesaid observation and direction, the O.A. is disposed of.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP