

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Contd - II

No. M.A. 350/00216/2016  
O.A. 350/00325/2016

Date of order : 13.06.2016

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

JAI KUMAR MAHATHA

VS.

UNION OF INDIA & OTHERS

For the applicant : Mr. S.K. Dutta, counsel

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

ORDER

Per Mrs. B. Banerjee, J.M.

Heard Id. Counsel for the parties.

2. Reply to the O.A. has been filed today. In page 5 of the reply the respondents have stated as under:-

"It is further submitted that application date prior to publishing the Notification is illogical and as per para 8.8.5 of Employment Notice are to be rejected. Hence, the case of applicant was rejected on that ground as per the rejection criteria in the said notification. The same has also been intimated to the applicants individually vide speaking order.

However, the applicant preferred to file a fresh O.A. challenging the contents of the speaking order. Hon'ble Tribunal in each of such O.A.s had passed order quashing the contents of the speaking order and to give a positive order for employment in Group-D. This Railway, honouring the Hon'ble Tribunal's order as judgment on merit, has decided to consider such cases for empanelment, subject to other aspects being in order and the candidates being declared medically fit in the requisite medical classification."

3. In view of the above, there is nothing new to adjudicate in this matter since the respondents have already decided to consider the cases of such candidates who are similarly circumstanced.

4. Accordingly both the M.A. and O.A. are disposed of with a direction upon the respondents to consider the cases of the applicant in the light of the orders passed earlier as cited by the Id. Counsel for the applicant and pass appropriate orders within two months from the date of communication of this order. No order as to cost.

(JAYA DAS GUPTA)  
Administrative Member

(B. BANERJEE)  
Judicial Member