



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/244/2017

Date of order : 1.5.2017

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

ASHIS PATRA

S/o Hara Lal Patra,
R/o Vill. – Kurkutia,
P.O. – Araldihi, P.S.- Indupur,
Dist. – Bankura,
Pin – 722121,
West Bengal.

..APPLICANT.

VERSUS

1. Union of India through
The General Manager,
South Eastern Railway,
11 Garden Reach Road,
Kolkata – 700043.
2. The Chairman,
Railway Recruitment Cell,
South Eastern Railway,
11 Garden Reach Road,
Kolkata – 700043.
3. The Asst. Personnel Officer (Rectt)
Railway Recruitment Cell (RRC),
South Eastern Railway,
11 Garden Reach Road,
Kolkata – 700043.

...RESPONDENTS

For the applicant : Mr.J.R.Das, counsel

For the respondents: Ms. Gargi Roy, counsel

O R D E R (ORAL)

A.K.Patnaik, J.M.

Heard Mr.J.R.Das, Id. Counsel appearing for the applicant and Ms. Gargi Roy, Id. Counsel appearing for the departmental respondents.

2. This OA has been filed by the applicant being aggrieved by the inaction of the respondents, under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief :

ASL

- a) an order directing the respondent authority to call the applicant for document verification as also for medical examination in the process of recruitment in the Group D posts considering his successful completion of PET in the 2nd position;
 - b) an order directing the respondents to produce entire records of the case at the time of adjudication for consonable justice;
 - c) any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper;
3. As per the ld. Counsel for the applicant the sum and substance of the OA is that the applicant is aggrieved due to the fact that the applicant applied for Gr. D post through notification No. SER/RRC/02/2012 dated 29.9.12. He appeared in the written examination on 24.11.13 and on being successful was called for physical efficiency test (PET) on 15.2.14. He came out successful with 2nd position. Thereafter he was not called for either document verification or medical examination. The applicant applied under RTI Act for information but till date the authorities have not responded to it. Therefore the applicant has approached this Tribunal by way of filing the instant OA.

4. Mr.Das fairly submitted that the applicant could not ventilate his grievances before the respondent authorities because after filing RTI application he was waiting for the authorities to give him relief. He also submitted that the grievance of the applicant will be more or less addressed if liberty is granted to the applicant to file a comprehensive representation addressed to respondent No.2 and the respondent No.2 will consider the same within a specific time frame

5. In our considered view none of the parties will be prejudiced if such an order is passed. We therefore dispose of this OA by granting liberty to the applicant to make a comprehensive representation addressed to respondent No.2 within one month from the date of receipt of this order and if any such representation is preferred by the applicant, then the respondent No.2 may consider the same as per rules and regulations and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within 3 months from the date of receipt of this order.

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5. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation to be preferred by the applicant, are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force and after such consideration still then we hope and trust that if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of 2 months from the date of such consideration to extend the benefit to the applicant.

7. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

8. The applicant will be at liberty to annex a copy of this order along with the representation to be preferred, if so advised.


(JAYA DAS GUPTA)
MEMBER (A)


(A.K. PATNAIK)
MEMBER (J)

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