

O.A.350/325/2017  
M.A.350/207/2017

22



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 325.....of 2017

M.A. 207/2017

In the Matter of:-

An Application Under Section 19 of  
the Administrative tribunals Act, 1985

And

In the Matter of:-

1. Ms. Pooja Tiwari,

daughter of Sri Satyabhusan

Tiwari, residing at 216-A, Gaughat

Railway Colony (opposite to W.R

Gymnastic Hall) Ujjain, District-

Ujjain Madhya Pradesh, Pin-

456010.

2. Sri Ajay Singh

son of Sri R.K. Singh, B-5/7,

Madhya Vanijya Kendra, Ujjain,

District Ujjain, Madhya Pradesh.

456010.

Tiwari

Abc

3. Sri Durgam Samrat, son of Durgam  
Satyanarayana, residing at Quarter  
No. D-545, Pochamma Lane, (near  
Govt. Library), Sirpur,  
Kaghaznagar, Adilabad, Andhra  
Pradesh 504296.

Applicants.

·Versus·

- 1) Union of India, through the  
Secretary to the Government of  
India, Ministry of Steel, Udyog  
Bhavan, New Delhi 110107.
- 2) The Chairman,  
Steel Authority of India Ltd, Ispat  
Bhavan, Lodi Road, New Delhi  
110001
- 3) Durgapur Steel Plant, a unit of  
Steel Authority of India Ltd.,  
having its office at Administrative  
Building, Ispat Bhavan, Durgapur  
3 District Burdwan, Pin 713203
- 4) The General Manager (Personnel &  
Administration) Durgapur Steel

*F. Kumar*

*Adv*

Plant, office at Main  
Administrative Building, Ispat  
Bhavan Durgapur-3, District-  
Burdwan, Pin- 713203.

5) The Managing Director, Durgapur  
Steel Plant, office at Main  
Administrative Building, Ispat  
Bhavan Durgapur-3, District-  
Burdwan, Pin- 713203.

Respondents.

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M.A.No.350/207/2017  
O.A.No.350/325/2017

Date of order : 22.03.2017

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

For the applicant : Ms. G. Mukherjee, counsel

For the respondents : None

ORDER(ORAL)

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the action of the respondent authorities in not allowing the applicants to appear in the interview held on 23.02.2017 for the post of Pharmacist on the ground that they do not have one year's experience as on 01.08.2014.

2. The shorn of unnecessary details, the sum and substance of the case are that an Employment Notification for some posts including the posts of Pharmacist was issued by Durgapur Steep Plant (a unit under Steel Authority of India) on 22.08.2014. The candidates were asked to fill up the online forms for the advertised posts on 29.09.2014 and on 30.09.2014 and a written examination was held on 14.12.2014 but the results were not published and the said examination was cancelled. After two years, a written examination was conducted on 15.01.2017 and 21 candidates including the applicants of the instant O.A. were shortlisted and called for interview on 23.02.2017. Thereafter, surprisingly the applicants were not allowed to participate in the interview on the ground that they do not have one year's experience as on 01.08.2014. Hence, the instant O.A.

3. In the instant O.A. the applicant has prayed for the following reliefs:-

*W.L.C*

"8(a) Leave may be granted to move the instant application and pray for relief jointly under Rule 4(5)(a) of the West Bengal Administrative Tribunal(Procedure) Rules, 1994.

(b) An order directing the Respondent Authorities to allow the applicants to appear before a Board of interview and to calculate their actual years of experience as Pharmacist as on the date of interview.

(c) To withhold publication of results of interview taken on 23.2.2017 and/or to issue letters of appointment to those candidates unless the interview of the applicants is taken afresh.

(d) To pass such other or further Order/Orders/directions as Your Lordships may deem fit and proper."

4. The applicants have also filed an M.A.No. 350/207/2017 seeking permission to file the instant O.A. jointly.

5. Having heard Mrs. G. Mukherjee, Id. counsel for the applicants, the M.A. is allowed.

6. So far as the O.A. is concerned, it appears that the instant O.A. is not maintainable being hit by Section 20 of the Administrative Tribunals Act, 1985.

On being questioned , Mrs. G. Mukherjee, Id. counsel for the applicant fairly submitted that no impugned order has been passed in this matter but the Respondent No.4 i.e. the General Manager(Personnel & Administration), Durgapur Steel Plant orally intimated the applicants that their case has been rejected.

7. As the applicants have not annexed any representation addressed to the authorities or any impugned order, I am of the *prima facie* view that this O.A. is hit by Section 20 the of Administrative Tribunals Act, 1985 and is liable to be dismissed.

8. Section 20 of the Administrative Tribunals Act, 1985 reads as under:-



"20. Applications not to be admitted unless other remedies exhausted—

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,—

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

9. Mrs. G. Mukherjee, Id. counsel for the applicants submits that the applicants may be permitted to file individual representations ventilating their grievances to the competent authority and direction may be given to the concerned respondent authority to dispose of the same within a specific time frame.

10. Considering the aforesaid facts and circumstances, the O.A. is disposed of as 'withdrawn' by granting liberty to the applicants to file comprehensive representations ventilating their grievances to the Respondents No.4 and 5 of this O.A. individually within a period of two weeks from today. If such representations are preferred within two weeks, then the respondent No.4 and 5 i.e. the General Manager(Personnel & Administration), Durgapur Steel Plant and

W.A.

the Managing Director , Durgapur Steel Plant respectively, shall consider and dispose of the said representations by a well reasoned order and communicate the result to the applicants within a period of further two months from the date of receipt of such representations. As the factual position is not available with me, therefore, I direct that if all the posts of Pharmacist are not filled up, then only three posts shall be kept vacant for the interest of justice in case the representations are preferred by the applicants within two weeks from today.

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

12. As prayed by Mrs. Mukherjee, a copy of this order along with the paper book may be transmitted to the Respondent No.4 and 5 by speed post by the Registry for which Mrs. Mukherjee undertakes to deposit the cost by 24th March, 2017.

13. With the above observations the O.A. is disposed of. No order as to cost.

AK Patnaik