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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 370 of 2017

An application Under Section 19 of the Administrative
Tribunals Act, 1985.

Parimal Biswas ,

Son of Panchu Gopal Biswas,

Residing at Village-Joynagar, P.O.
Joypur, P.S. Hanskhali, District Nadia,
West Bengal , PIN 741102.

.... Applicant

Versus

1. Union of India , through the Secretary,
Ministry of Railways, Rail Bhawan, New
Delhi, Pin -

2. The Railway Recruitment Board,
Kolkata , through its Chairman , Metro
Railways A.V. Complex, Chitpur, opposite
to R.G.Kar Medical College & Hospital,
R.G. Kar Road, Kolkata -700037.

3. The Secretary,

Parimal Biswas.

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Railway Recruitment Board, Kolkata ,
Metro Railways A.V. Complex, Chitpur,
Opposite to R.G. Kar Medical College &
Hospital, R.G. Kar Road, Kolkata
700037.

... Respondents

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No. O.A. 350/00370/2017

Date of order: 4.5.2017

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

For the Applicant : Mr. S.C. Dhara, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. A.K. Banerjee, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. S.C. Dhara, Ld. Counsel appearing for the applicant and Mr. A.K. Banerjee, Ld. Counsel appearing for the respondents.

2. This OA has been filed by Shri Parimal Biswas, son of Panchu Gopal Biswas challenging inaction on the part of the respondent authorities in not issuing any appointment in his favour though his position was at srl. no. 76 in the UR Wait List in respect of Category No. 16 of CEN-04/2012 for appointment to the post of Technician Grade-III in the Railways. Candidates upto srl. No. 62 were given appointment, but he was kept in the waiting list. Thereafter he approached this Tribunal and this Tribunal disposed of his case with certain observations. Then he approached the authorities by filing an RTI application and seeking certain information, which was not answered to. Then he sent a demand justice notice to respondent Nos. 2 and 3, which is still pending consideration. This O.A. has been filed praying for the following reliefs:

"a) An order directing the respondent authorities concerned to forthwith furnish the answers to the queries nos. 1 to 6 of his RTI application dated 16.8.2016 being made Annexure "G" hereto;

b) An order directing the respondent authorities concerned to immediately provide an employment opportunity to the applicant under the Railways on the basis of the recruitment process in reference as mentioned hereinabove;

c) An order directing the respondents concerned as also their officers and subordinates to certify and transmit the records of the case of this Hon'ble Tribunal so that conscionable justice may be administered by way of passing appropriate order or direction;

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d) Any other order or direction as it would deem fit and proper to this Hon'ble Tribunal."

3. The facts in a nut shell as per Mr. S.C. Dhara, Ld. Counsel for the applicant are that the applicant's position was at Srl. No. 76 in UR Wait list in the category No. 16 of CEN-04/2012 for appointment to the post of Technician Grade-III (Fitter) in the Railways. Candidates upto Srl. No. 62 were given appointment but he was placed in the waiting list. Thereafter the applicant approached this Tribunal by filing O.A. No. 1786 of 2015 and on 2.6.2016 this Tribunal disposed of the O.A. The said order was duly communicated to the authorities concerned and thereafter an application under RTI Act was also filed seeking certain information which was not answered to. Then he sent an advocate's notice to respondent Nos. 2 and 3, which is still pending consideration.

4. Mr. S.C. Dhara, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 2 & 3 to dispose of the representation dated 19.12.2016 within a specific time frame.

5. ~~Though no notice has been issued still then~~ ^{JWS} we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 2 & 3, that if any such representation have been preferred on 19.12.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of three months from the date of receipt of a copy of this order 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

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consideration to extend those benefits to the applicant.

6. 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.

7. A copy of this order along with paper book be transmitted to the respondent Nos. 2 & 3 by speed post for which Mr. Dhara undertakes to deposit necessary cost in the Registry by coming Monday.

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


(Jaya Das Gupta)
Administrative Member


(A.K. Patnaik)
Judicial Member

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