

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/27/2017

Date of order : 5.5.2017

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

MUNILAL TANTI
S/o Soukhi Tanti,
R/o Vill - Jharkhuria,
P.O.- Bahadurpur,
P.S.-Zeromile,
Dist. - Bhagalpur, Bihar,
Pin - 813210,
Unemployed.

...APPLICANTS

VERSUS

1. Union of India, through
Secretary (Railway),
Ministry of Railways,
Railway Recruitment Board,
Metro Railway,
A.V.Complex, Chitpur,
Opp to R.G.Kar Medical College
& Hospital,
R.G.Kar Road,
Kolkata - 700037.
2. The Chairman,
Railway Recruitment Board,
Kolkata Metro Railway,
A.V.Complex, Chitpur,
Opp to R.G.Kar Medical College
& Hospital,
R.G.Kar Road,
Kolkata - 700037.
3. The Executive Director,
Estt. (RRB),
Ministry of Railways,
Railway Board,
Room No. 457,
Rail Bhavan,
Raisina Road,
New Delhi - 110001.
4. The Asst. Secretary,
Railway Recruitment Board,
Kolkata Metro Railway,
A.V.Complex, Chitpur,
Opp to R.G.Kar Medical College
& Hospital,
R.G.Kar Road,
Kolkata - 700037.

RESPONDENTS.

For the applicants: Mr.G.C.Banerjee, counsel

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

O R D E R (ORAL)

A.K.Patnaik, J.M.

Heard Mr.G.C.Banerjee, ld. Counsel appearing for the applicants and Mr.A.K.Banerjee, ld. Counsel appearing for the departmental respondents.

2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order directing and commanding the respondents, more specifically the chairman, Railway Recruitment Board, Kolkata Metro Rail, A.V.Complex, Chitpur, Opposite R.G.Kar Medical College & Hospital, Kolkata - 700037, to produce the original OMR answer sheet of the candidate, being the applicant herein, bearing Roll No.5058726 (OBC) actually used by him at the said 2nd stage written examination for the post of NTPC (Graduate) against the Employment Notice No. CEN-03/2012 before this Hon'ble Tribunal, upon oath of such of the said documents in his possession or power as this Hon'ble Tribunal may deem fit and expedient for dealing with the said documents, when produced in such manner as shall appear just.
- b) An order allowing the applicant for inspection of the said original OMR answer sheet actually used by the applicant at the said 2nd stage written examination, when produced, in which case allowing the same by this Hon'ble Tribunal to be put in evidence on such terms as this Hon'ble Tribunal may deem fit and proper.
- c) An order, after inspection and verification of the said document being the original OMR answer sheet actually used by the applicant at the said 2nd stage written examination, cancelling the said manipulated and forged OMR answer sheet produced to the applicant by the respondent No.3 in consideration of the applicant's requirement under RTI Act, 2005 as evident in his said letter dated 11.6.2014 marked as annexure OA-4 as above or in any manner as this Hon'ble Tribunal may deem fit and proper;
- d) An order directing and commanding the respondents to consider the applicant to have passed bonafide the said 2nd stage written examination with further direction to process his candidature towards appointment to the said post of NTPC (graduate) in terms of the said Employment Notice No. CEN-03/2012 or in any manner as this Hon'ble Tribunal may deem fit and proper;
- e) And to pass such other order or orders as may deem fit and proper for the ends of justice;

4. As per the ld. Counsel for the applicants the sum and substance of the OA is that the applicant being a Graduate in Computer Application applied for

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the post of NTPC (Graduate) in response to Employment Notice No. CEN-03/2012 of the Railway Recruitment Board, Kolkata. He appeared in the written examination held on 2.12.2012 and was finally called for the 2nd stage written examination held on 18.8.2013. The result was published on 18.1.2014 but the result did not contain the applicant's Roll No. 5058726. Being aggrieved the applicant made an application dated 10.3.2014 under RTI Act, 2005 wherein he was advised to file an appeal before the first Appellate Authority which he did on 30.6.2014 seeking physical inspection of the original OMR answer sheet. Having failed to secure proper redressal he approached the Hon'ble High Court of Judicature at Patna for a direction upon the respondent authority for proper redressal of his grievance. After preliminary scrutiny the applicant was asked to approach this Tribunal. Hence the applicant has approached this Tribunal in the instant OA.

5. Mr.G.C.Banerjee, Id. Counsel for the applicant submitted that the grievance of the applicant will be more or less redressed if the Railway respondents are directed to consider and disposed of the representation dated 17.12.2015 stated to have been preferred by the applicant addressed to respondent No.2 within a specific time frame.

6. We do not think it will be prejudicial to either sides if this OA is disposed of at the admission stage itself by directing the respondent No.2 to consider the representation dated 17.12.2015 stated to have been preferred by the applicant as per rules and regulations in force and communicate the result thereof to the applicants by way of a well reasoned order, within one month from the date of such consideration.

7. Therefore without entering into the merit of the case we dispose of the instant OA at the admission stage itself with a direction to the respondent No.2 to consider the representation dated 17.12.2015 stated to have been preferred by the applicant 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 one month from the date of receipt of this order.

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8. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation stated to have been 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, still then we hope and trust that after such consideration if 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 redress his grievance.

9. With the above observation and direction the OA is disposed of. No costs.

10. As prayed for by Mr.G.C.Banerjee, Id. Counsel for the applicant, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(JAYA DAS GUPTA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER (J)

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