



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A.No.543 of 2013

M.A.No.239 of 2013

Coram : Hon'ble Mr. Sushanta Kumar Pattnaik, Judicial Member

Hon'ble Dr.(Ms.) Nandita Chatterjee, Administrative Member

Bablu Kumar, Roll No.14226095
Son of Ramee Yadav, aged about
28 years, residing at vill.+P.O. Latra,
P.S.-Gopalpur, Via- Naugachia,
Dist. Bhagalpur, State-Bihar,
Pin - 853204

.....Applicant

Vs.

1. Union of India through the General Manager,
Eastern Railway, Kolkata-700001;
2. The Chairman, Railway Recruitment Cell,
56 C.R. Avenue, Kolkata-700012;
3. The Assistant Personnel Officer, Recruitment,
Railway Recruitment Cell, 56 C.R. Avenue,
Kolkata-700001

.....Respondents

For the applicant : Mr. A. Chakraborty, counsel

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

ORDER

Heard on : 28.07.2017

Order on : 28th July 2017

Mr. S.K. Pattnaik, Judicial Member

The applicant seeks for a direction to the respondents to recommend his name for appointment in Group 'D' post in the Eastern Railway as he had appeared in the PET(Physical Efficiency Test) and was declared suitable in both the written and PET.

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2. Admittedly the applicant had applied for a Group 'D' post in pursuance of the Employment Notice dated 25.09.2006 and appeared in the written test. He was also directed to appear in the PET. Even though he successfully completed the PET the result was not declared.

3. In order to decide why the applicant was not selected in spite of clearing the PET, one has to travel through the written reply filed by the respondents. The respondents have categorically pleaded that the applicant did not turn up after PET to complete the last verification of the documents and comparison of his physical image and video photo documents by PET Officer for which he was not empanelled as per remarks of the PET Officer. The respondents further pleaded that the applicant was communicated vide office letter dated 10.12.2008(Annexure R-1 to the reply) intimating that if he has any grievance he can submit an appeal within 31.12.2008. Further case of the respondents is that since the applicant did not take up the issue with the appropriate authority in 2008 his present claim in an O.A. filed in 2013 is hopelessly barred by limitation.

4. Before delving into the merit of this case, it may be stated at the outset that this Tribunal does not act as an appellate authority of the Railway Recruitment Cell and can ~~only~~ exercise jurisdiction only when there is illegality or when there is infraction of rules and procedures. The present case depends on a factual scenario. The respondents in para 11 of their reply have candidly pleaded that the candidate was not declared successful in the PET by the PET officers on 31.05.2008 as he did not turn up after PET for completing the last verification of original documents and comparison of his image and photo video documents by the PET Officer, for which he was not empanelled as per the remarks of the PET officer. The respondents have enclosed Annexure R-1 series

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wherein there is clear cut endorsement of the authority that the candidate did not turn up. Accordingly the Railway Recruitment Cell, Eastern Railway, Kolkata had issued a letter on 10.12.2008(Annexure R/1) informing him about rejection of his candidature indicating clearly therein that he was absent at the time of document verification after PET. Even in the said letter an opportunity was given to the candidate to submit his appeal within 31.12.2008 to Assistant Personnel Officer(A.P.O.), Recruitment Cell. In spite of such opportunity given, the applicant did not avail the same at appropriate time when competent authority informed him that he did not present himself for completion of other formalities after PET. For such laches the applicant is to blame himself and the recruitment process cannot be reopened for his convenience. There is considerable force in the submission of Id. counsel for the official respondents that the recruitment process which was initiated in 2006 has already been over and notified vacancies were published and there exists no more vacancy. In such premises, no fault can be found in the action of the respondents calling for judicial intervention. Furthermore, the O.A. is hopelessly barred by limitation as the applicant cannot be permitted to challenge an order of 2008 by which he was informed about the reason of rejection of his candidature. Hence ordered.

5. M.A. filed for condonation of delay is rejected being hopelessly barred by limitation. The O.A. being devoid of any merit is dismissed. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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(Sushanta Kumar Pattnaik)
Judicial Member