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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

ORDER SHEET

COURT NO. : 1

10.08.2018

O.A./350/565/2018

PRATAP BISWAS
 -V/S-
 EASTERN RAILWAY

ITEM NO:5

FOR APPLICANTS(S) Adv. : Mr. B. Banerjee

FOR RESPONDENTS(S) Adv.: Mr. S. Banerjee

Notes of The Registry	Order of The Tribunal
	<p style="text-align: center;">ORDER (ORAL)</p> <p><u>Mr. A.K Patnaik, Member (J):</u></p> <p>This O.A has been filed under Section 19 of the AT Act, 1985 seeking the following reliefs:</p> <p class="list-item-l1">a. "A direction directing the respondent authorities to forthwith allot the petitioner with 6.66 more marks in accordance with law;</p> <p class="list-item-l1">b. A direction directing the respondent authorities to forthwith reassess and /or reevaluate the OMR sheet of the applicant and award full marks to question no. 1,5,6,53,96 in 2nd shift in the selection process initiated by Employment notice no. 0112 dated 16th August 2012 and to follow consequential steps for recruitment;</p> <p class="list-item-l1">c. A direction directing the respondent authorities forthwith reassess the answer script of your applicant and revisit the panel of selected candidates pursuant to the employment notice being no. 0112 dated 16th August 2012;</p> <p class="list-item-l1">d. A direction directing the respondent authorities to forthwith appoint your applicant to the post of Group-D pursuant to the selection process initiated by employment notice no. 0112 dated 16th August 2012;</p> <p class="list-item-l1">e. A direction directing the respondent authorities to transmit all records pertaining to this case so that conscientious justice may be administered to your applicant.</p> <p class="list-item-l1">f. Any other and/or others relief as your Lordship may deem proper."</p> <p style="text-align: right;">(Signature)</p>

2. Heard ld. counsel Mr. B. Banerjee for the applicant and ld. counsel Mr. S. Banerjee for the official respondents.
3. Brief facts of this case as narrated by Mr. B. Banerjee, ld. counsel for the applicant are that pursuant to an employment notice no. 0112 issued by the Railway Recruitment Cell, Eastern Railway, the applicant applied for appointment in a Group-D post. According to the applicant, he appeared in the written examination, physical test and was declared successful but thereafter he was not called to appear for the medical test for the reasons best known to the respondent authorities. Being aggrieved by such inaction of the respondents, the applicant has approached this Tribunal seeking the aforesaid reliefs.
4. At the outset, ld. counsel Mr. S. Banerjee appearing for the official respondents submitted that this O.A is not maintainable in the eye of law being hit by Section 20 of the Administrative Tribunals Act, because the applicant has approached this Tribunal without ventilating his grievance before the authorities concerned, which is required under the provisions of Section 20 of the AT Act.
5. I am satisfied with the submission made by Mr. S. Banerjee, ld. counsel for the respondents.
6. However, on sincere prayer made by Mr. B. Banerjee, ld. counsel for the applicant, this O.A is disposed of with liberty to the applicant to file a comprehensive representation to the Respondent No. 5, (i.e, the Chairman, Railway Recruitment Cell, Eastern Railway, Kolkata), within a period of 4 weeks from the date of receipt of a copy of this order enclosing the copies of the relevant documents and a copy of this order. If such representation is preferred by the applicant within 4 weeks, then the Respondent No. 5 (i.e, the Chairman, Railway Recruitment Cell, Eastern Railway, Kolkata), is directed to consider and dispose of the same keeping in mind the points raised in the said representation (if so preferred) and the relevant rules and regulations governing the field and pass a reasoned and speaking order within a period of 6 weeks from the date of receipt of the same and communicate the result to the applicant forthwith. After such consideration, if the applicant's claim is found to be genuine, then the respondent authorities shall grant him the consequential benefits within a further period of 3 months from the date of taking decision in the matter.

7. Liberty is given to the applicant to annex a copy of this order along with the representation to be preferred to the respondent authorities.
8. It is made clear that I have not gone into the merit of this case and all the points to be raised in the representation of the applicant are kept open for consideration by the respondent authorities as per rules and regulations in force.
9. With the above observations and directions, the O.A is disposed of. No orders as to costs.
10. A copy of this order be handed over to ld. counsel for both sides.

(A.K. PATNAIK)
MEMBER (J)

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