

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/687/2013

Date of order 26.02.2019.

Coram: Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Mr. Nekkhomang Neihisial, Administrative Member

Ram Kishun Prasad, Roll No. 11138881, son of
Binod Prasad, aged about 48 years, residing at
New Colony, Kurmidi Bajanginagar, P.O Bokaro
Steel city - 10, Dist. Bokaro, Jharkhand, Pin 827010

--Applicant

-versus-

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

Advocate for Applicant (s): Mr. A. Chakraborty, Counsel
Advocate for Respondent(s): Mr. A. K Guha, Counsel

ORDERPer: Mrs. Manjula Das, Judicial Member:

Today, this matter was fixed for hearing. On 10.01.2019, this Tribunal had directed the respondents to produce some relevant documents which are here as under:

"Ld. Counsel for the Respondents is directed to furnish the entire records relating to the original application of the applicant along with entire sets of annexures, which were provided therein. Ld. Counsel for the Respondents will also furnish the verification report of the applicant on the date of verification of documents by the Respondent authorities. "

2. However, the respondent authorities failed to produce the same. The matter was listed on 25.02.2019 and was adjourned for today i.e 26.02.2019. Today also, Ld. Counsel for the respondents, as well as the Railway authorities have failed to produce the same.



3. As the Railway Authority restrained themselves to produce the same, this Tribunal is having no alternative but to proceed with the matter for final disposal.

4. Heard Ld. Counsel appearing for both the parties.

5. The matter relates to the recruitment to the Group D Post under Employment Notice No. 106 dated 25.09.2006. The applicant filed his application in pursuant to the said advertisement and he was called to appear for the said test and came out successful and, thereafter, he was called for Physical Efficiency Test (PET) and for document verification. Physical Efficiency Test (PET) was done, however, the applicant could not produce the original document, as stated by the Ld. Counsel for the respondents, and accordingly, his candidature was rejected.

6. On the other hand, Mr. A. Chakraborty, Ld. Counsel for the applicant vehemently argued that the Original Documents though could not filed due to misplaced, however, the same was produced but the authorities did not allowed to verify the same and was rejected for supplying the same.

7. We have noted that in the written statement, the respondent authorities stated that the applicant was not successful in the Physical Efficiency Test (PET) by Physical Efficiency Test (PET) official as he could not produced the original documents before the PET. On the other hand, the rules show here as under:

" 1. Candidate will not be allowed for PET without producing this call letter as well call letter of written examination. In addition, Candidates must come with the original and one attested Xerox copy of Educational Qualification, Date of Birth and Caste certificate and other certificate on basis of which they claimed relaxation."

8. The question arises, if the applicant could not produce the document, how the applicant was provisionally empanelled? The rejection order (Annexure A-4 to the



OA) speaks in the remarks column "candidates failed to produced any original document during document verification after PET" and status reports as "not empanelled". It is not disputed that the applicant is provisionally empanelled and after revised list was published the applicant found to be not empanelled. In view of that before rejection of the candidature, the applicant was not given any opportunity; as such the natural justice is violated.

9. In view of the above, after taking into consideration the entire conspectus of the case, we deemed it fit and proper to allow the applicant to produce the original documents before the appropriate authority for document verification, which will be filed within a period of 15 days from the date of receipt of a copy of this order and, thereafter, with due verification, the respondent authority shall pass a reasoned and speaking order within a period of three months and whatever decision to be taken shall be communicated to the applicant forthwith.

10. Needless to mention that although the matter is of 2006 and the document verification was done in the year 2008, as stated by the Ld. Counsel for both parties, as well as the Railway Officer who is present to assist the Court, the rejection order was issued on 2012 and the matter was filed on 2013 and is pending for long years, we therefore, directed the respondent authority for providing an opportunity to the applicant of being heard.

11. With the above observations and direction, the O.A stands disposed of accordingly. No orders as to costs.

(Nekkhomang Neihlsial)
Member (A)

(Manjula Das)
Member (J)