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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
KOLKATA BENCH.

O. A. No 350/1546/2013.

DETAILS OF THE APPLICATION.

PARTICULAR OF THE APPLICANTS :

Shri Achchhe Lal Yadav, Roll No. 21112847, Son of Ram Awadh Yadav, aged about 40 years, residing at Room no. 201 K. Northern Railway New Loko Colony, Varanasi, Uttar Pradesh, PIN- 221 002.

... APPLICANT.

-VERSUS-

PARTICULAR OF THE RESPONDENTS :

1. Union of the 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.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1546/2013

Date of Order: 10.01.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member
Hon'ble Dr. N.Chatterjee, Administrative Member

Achchhe Lal Yadav-VS- UOI

For the Applicant(s): Mr. A.Chakraborty, Counsel

For the Respondent(s): Mr. A.K.Guha, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant, and Mr. A.K.Guha, Ld. Counsel appearing for the Official Respondents, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) An order do issue directing the respondents to give an opportunity to applicants to cross examine the Government Examiner of question document and to grant the benefit of Judgment passed in OA 817 of 2007.

b) An order do issue directing the respondents to recommend the name of the applicant his appointment in Group-D post in the Eastern Railway.

c) An order do issue directing the respondents to produce the verification report of candidate before the Hon'ble Tribunal so that conscionable justice may be administered."

3. After hearing in extenso, Mr. A.K.Guha, Ld. Counsel for the Respondents, pointed out that the applicant has not availed of the departmental remedies as enumerated under AT Act and Rules. To this, Mr. Chakraborty submitted that apprehending some coercive action, the applicant without availing departmental remedies rushed to this Tribunal. However, he prayed for liberty of this Tribunal to make a comprehensive representation to Respondent No.2 enclosing certain

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judgment/orders passed by different court of law and further prayed for a direction to the said Respondents to consider the same within a specific time frame. Mr. Chakraborty also submitted that as the matter was listed before this Bench for final hearing, therefore, the delay in filing aforesaid representation should not come as a bar for considering the same on merit.

4. We are quite satisfied with the submission of Mr. Chakraborty. Accordingly, we dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation, annexing all the required documents as he feels fit and proper, before Respondent No.2 within a period of two weeks from the date of receipt of this order and, on receipt of any such representation, Respondent No.2 is directed to consider the same keeping in mind the well settled position of law and other documents to be annexed by the applicant and pass a reasoned and speaking order within a period of eight weeks from the date of receipt of the representation. We also make it clear that while considering the said representation, Respondent No.2 will not unnecessarily go into the point of delay in making representation as we have granted liberty to the applicant to make comprehensive representation.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. Copies of this order be handed over to Ld. Counsel for both the parties. Applicant is granted liberty to annex a copy of this order, along with his representation to be preferred to Respondent No.2 along with other documents.

(N.Chatterjee)
Member (A)

(A.K.Patnaik)
Member (J)