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An application under Section 19 of the Administrative Tribunal Act, 1985

Original Application No. 914 of 2018

PARTICULARS OF THE APPLICANT:

ARPITA SAHA (BARMAN),
wife of Sanjib Barman, aged about 41 years, residing at Barman Villa,
Bibi Gram, Maheshmati, Post Office - Malda, Police Station - Malda,
District - Malda, Pin - 732101.

- VS -

PARTICULARS OF THE RESPONDENTS:

1. Union of India, through the General Manager, Eastern Railway, Kolkata 700 001.
2. The Chairman, Railway Recruitment Cell, 56, C.R. Avenue, Kolkata 700 012.
3. The Personnel Officer, Recruitment, Railway Recruitment Cell, 56, C.R. Avenue, Kolkata 700 012.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/914/2018

Date of Order: 27.09.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Ms. S. Biswas, Mr. K.Jha Counsel

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

ORDER (ORAL)A.K Patnaik, Member (J):

Heard Ld. Counsel for the applicant Mr. K.Jha, along with Ms. S.Biswas.

2. Mr. A.K.Guha, Ld. Counsel, who usually appears for Eastern Railways, is present and on my request, Ld. Counsel for the applicant has served copy of the O.A. on Mr. Guha.

3. With the aid and assistance of Ld. Counsel for both the sides, I find that this O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ a) An order directing the respondent authorities to show cause as to why contrary selection process has been adopted instead of following the procedure as stipulated in employment notice no. 0110 dated 14.12.2010.
b) An order directing the respondent authorities to call the applicant for medical examination and accordingly issue a letter of appointment in view of the existing vacancy.
c) An order directing the respondent authorities to grant notional benefits if appointment is given to the applicant.
d) An order directing an independent inquiry regarding the entire selection process.
e) An order directing the respondent authorities to give compensation to the applicant for the harassment so caused to the applicant for acting contrary to law.
f) Cost of the application
g) Any other relief(s) that Your Honour may deem fit and proper.”

4. Brief facts of the case of the applicant are that the applicant was declared suitable in both written test and PET for appointment to the Group-D post in Eastern Railways and, subsequently, original documents produced by him was verified. But to the utter surprise of the applicant, he was not called to appear in the Medical Test and the Medical Test was finalized. Railway Instructions



provides that candidates who are declared suitable in PET will have to appear in a Medical Examination of the relevant category and, thereafter, Final Panel will be published as per merit. Challenging such action of the Respondents, the applicant has filed this O.A.

5. Ld. Counsel for the applicant brought to my notice the call letters issued to the applicant under Annexure-A/3. He submitted that although the applicant was called repeatedly, he scrupulously followed the same and appeared before the authorities but till date his case for appointment has not been considered and no final select list has been published. However, Mr. Jha submitted that the applicant has not approached any authority ventilating his grievance and, therefore, he prayed liberty of this Tribunal to approach Respondent No.2 with a comprehensive representation enclosing all the documents as well as the judgment within a period of four weeks.

6. After hearing Ld. Counsel for the parties, without entering into the merit of the matter, I dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation before Respondent No.2 within a period of four weeks and, if such representation is preferred by the applicant, then Respondent No. 2 is directed to consider the same as per extant rules and regulations in force and pass a reasoned and speaking order within a period of six weeks from the date of receipt of the representation. We make it clear that if after such consideration the applicant's grievance is found to be genuine and he is otherwise found to be eligible and entitled to join as an employee in the Eastern Railways then expeditious steps be taken within a period of further eight weeks to issue offer of appointment in favour of the applicant.

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

8. Copy of this order, along with paperbook, be sent to Respondent No. 2 by speed post for which Ld. Counsel for the applicant undertakes to deposit the cost with the Registry within a week.

9. Free copy of this order be handed over to Mr. A.K.Guha, Ld. Counsel for the Official Respondents, who is present and heard at length.

(A.K Patnaik)
Member (J)