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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No 350/165 of 2019

In the matter of:

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

-And-

In the matter of:

1. Biplab Sarkar, son of Sri Badal
Sarkar, residing at B-16/93, I.T.I
Colony, P.O and P.S. Kalyani,
District Nadia, Pin - 741235.

2. Chotu Mallick, son of Sri Shiba
Mallick, residing at Village
Babanpur, P.O Bengal Enamel,
P.S. Titagarh, District North 24
Parganas, Pin - 743122.

3. Dipankar Sadhukhan, son of Sri
Tarak Sadhukhan, Village
Sonakhali, P.O. Birohi, P.S.
Haringatha, District Nadia, Pin -
741245.

Wd

Wd

4. Suklal Mondal, son of Sri Kishori Mondal, Village Gournagar, P.O. Bagula, P.S. Hanskali, District Nadia, Pin - 741502.

5. Sandip Kumar Shaw, son of Late Damoder Shaw, residing at Holding No.16/A, BL No.18, P.O. Kakinara, P.S. Jagaddar, District - North 24-Parganas, Pin - 743126.

... Applicants

-Versus -

1. Union of India Service through the Secretary, Ministry of Defence, South Block, New Delhi, Pin-110011.
2. The General Manager, Ordnance Factory, Dum Dum, Jessore Road, Kolkata - 700023.
3. The Joint General Manager (Admn.), Ordnance Factory, Dum Dum, Jessore Road, Kolkata - 700023.

... Respondents

WLL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/165/2019
M.A.No. 91/2019

Date of Order: 04.03.2019

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

Biplab Sarkar & Ors -vs OFB

For the Applicant(s): Mr. B.Bhushan, Counsel

For the Respondent(s): Mr. S.Paul, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B.Bhushan, Ld. Counsel for the applicants, and Mr. S.Paul, Ld. Counsel appearing for the Official Respondents, in extenso.

2. M.A.No. 91/2019 filed for joint prosecution of this case is allowed and disposed of accordingly.

3. Applicants have moved this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) To pass an order directing the respondents their men and agents to give effect of joining to the applicants forthwith;

b) Direction upon the respondents to produce the report of expert panel;

c) Direction upon the respondents No. 2 to take decision on the report of the expert panel within for night;

d) Direction upon the respondents to produce the series of Booklets, Answer Sheet/OMR sheets of the applicants;

e) Issue direction upon the respondents, their men, agents and each of them to forthwith serve and transmit all the papers and documents in connection with the incident lies before this Hon'ble Tribunal for kind perusal and on such perusal do conscionable justice to the Applicants;

f) Grant costs of this proceeding to the Applicants."

Wl

4. The case of the applicants, in nutshell, as submitted by Ld. Counsel is that the applicants, in pursuance of a notice, applied for the post of Labour/Semi Skilled in the office of the Ordnance Factory Board, Dum Dum. They came out successful in the written test and Trade Test and their names were uploaded in the website of the said office/factory and, accordingly, the applicants had given their attestation to get the joining letter. Having received no reply thereafter, the applicants file RTI application to obtain information for such delay and they came to know that expert Committee has been appointed in order to ascertain alleged irregularities/wrong answer in the booklet of the said examination and the report has been placed before the GM of Ordnance Factory, Dum Dum. The applicants came to know that one unsuccessful candidate has filed an application before this Tribunal. Ld. Counsel for the applicants submitted that even though no stay order has been granted by the Tribunal in the said matter, applicants are not being given appointment even after being successful.

5. Mr. S.Paul vehemently opposed the submission made by Ld Counsel for the applicants.

6. Mr. B.Bhushan, Ld. Counsel for the applicants, however, submitted that since the applicants have ventilated their grievance before Respondent No.2 by filing representations under Annexure-A/11, their grievance may be redressed if a direction is issued to Respondent No. 2 to consider their representation within a specific time frame.

7. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicants under Annexure-A/11, if the same have been filed and are pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy

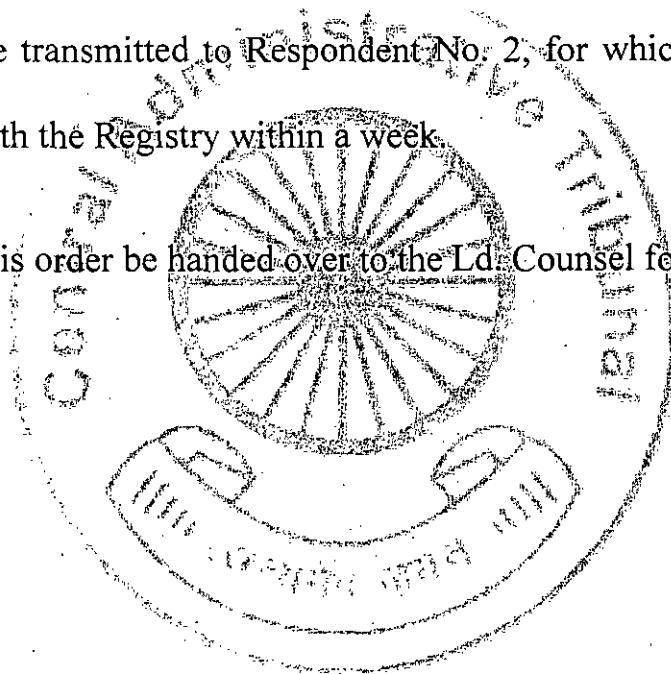
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of this order. I make it clear that if after such consideration the grievance of the applicants is found to be genuine and they are otherwise eligible then the benefit of appointment may be provided to them within a further period of six weeks. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

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

9. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

10. Copies of this order be handed over to the Ld. Counsel for the parties.



A
(A.K.Patnaik)
Member(J)

RK/PS