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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, NIZAM PALACE, KOLKATA

APPLICATION UNDER SECTION 19 OF THE CENTRAL

ADMINISTRATIVE TRIBUNAL ACT, 1985

O.A. NO. 150 OF 2019

In the matter of:

Suprovat Deb, son of Sushil

Deb, residing at 1No. Dabgram

Colony, Plot No. 208, Siliguri,

Post Office Rabindra- Sarani,

Darjeeling - 734006

... Applicant

Versus

1. Union of India, Ministry of

Railways, through the

*Secretary*  
Ministry of Railways, having

office at 256-A, Rail Bhavan,

*WQ*

Raisina Road, New Delhi -  
110001

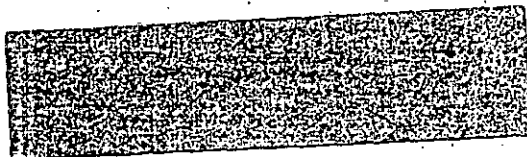
2. General Manager, North East  
Frontier Railway, North East  
Frontier Railway Headquarters  
Office, New Maligaon,  
Guwahati, Assam, Pin  
781012

3. The Chairman, The Railway  
Recruitment Board, Siliguri,  
D.B.C. Road, Siliguri, Post  
Office - Siliguri Town,  
Darjeeling - 734004

4. The Central Public  
Information Officer (CPIO),  
Railway Board, Room No. - 5,  
RTI Cell, Rail Bhawan, Rafi  
Marg, New Delhi - 110001

5. The Public Information Officer  
and Assistant Secretary,

*all*



Siliguri Railway REscruitment

Board, D.B.C. Road, Siliguri,

Post Office - Siliguri Town,

Darjeeling - 734004

... Respondents

W/O

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/150/2019

Date of Order: 28.03.2019

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

*Suprova Deb -vs- RRB (E. Railway)*

For the Applicant(s): Mr. D. Saha, Counsel

Ms. D. Banu, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (I):

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

- "a) To cancel, rescind, revoke, set aside and recall the said letter being No. RRB/Siliguri/CAT/CAL/OA/350/1591 of 2017 dated 01.11.2018.
- b) To give appointment to the applicant in the post of Good Guard and/or the post in question as an OBC Candidate pursuant to the said Advertisement dated 12.05.2012.
- c) To cancel and/or to strike down the said paragraph 9 of the said circular, being GEN/3/2012.
- d) To call for the entire records of this case before this Hon'ble Tribunal so that considerable justice may be rendered.
- e) To pass any other order or orders as this Hon'ble Tribunal may deem fit and proper."

2. Heard Mr. D. Saha, Id. Counsel appearing for the applicant. Mr. A.K. Guha, Id. Counsel who usually appears for the Union of India, is present in the court and, on my advice, Mr. Saha, Id. Counsel for the applicant has served copy of this O.A., along with annexures, on Mr. Guha as I do not want the Official Respondents to go unrepresented.

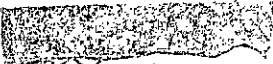
Heard Mr. A. K Guha in extenso, who has accepted the brief on my request and vehemently opposed the very maintainability of this O.A by stating that this O.A is liable to be dismissed being hit by Section 20 of the Administrative Tribunals Act, which Mr. D. Saha, Id. Counsel for the applicant strenuously refuted by stating that the applicant had made an application on 28.11.2018 (Annexure A/11), followed by a legal notice dated 07.12.2018 (Annexure A/12).

*WLL*

3. In my view, an Advocate is an officer of the court and any letter written by him to any authority cannot be treated as a representation. So far as the application of the applicant dated 28.11.2018 is concerned, it is an application under RTI which also cannot be treated as representation. Therefore, while agreeing with the submission made by Mr. A. K. Guha, Id. Counsel for the official respondents that this O.A is liable to be dismissed being hit by Section 20 of the AT Act, I have taken into consideration the sincere prayer made by Mr. Saha, Id. Counsel for the applicant and dispose of this O.A by granting liberty to the applicant to make a comprehensive representation to the Respondent No. 3 within a period of 2 weeks from the date of receipt of a copy of this order along with the relevant documents as well as judgement, if any in his favour. If such representation is filed within 2 weeks, then the Respondent No. 3 will consider the same keeping in mind the rules and regulations governing the field as well as the points raised in the representation to be filed and pass a reasoned and speaking order within a period of 6 weeks from the date of receipt of such representation. After such consideration, if the grievance of the applicant is found to be genuine, then expeditious steps may be taken by Respondent no. 3 to appoint the applicant on a suitable post, subject to eligibility as specified in the rules and regulations. The decision so arrived at shall be communicated to the applicant forthwith.

4. With the aforesaid observations and directions, the O.A is disposed of. No costs.

5. A copy of this order be handed over to Ld. Counsel for both sides. The applicant is granted liberty to annex a copy of this order along with the representation to be preferred to the respondent authorities within 2 weeks from the date of receipt of a copy of this order.

  
(A.K Patnaik)  
Member (J)