



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NIZAM PALACE, CALCUTTA

DETAILS OF THE APPLICATION

DA/350/ 1954/2018

PARTICULARS OF THE APPLICANT :

Prabitra Mondal, son of Paresh Mondal, residing at Village :
Kamalnagar, P.O. : Tamahata, District : Purba Bardhaman,
PIN : 713 512, West Bengal.

..... Applicant.

- Versus -

PARTICULARS OF THE RESPONDENTS (SEVEN IN NOS.) :

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, Kolkata - 700 001.
2. The Chairman (Rectt.), Railway Recruitment Cell, Eastern Railway, 56, C.R. Avenue, RITES Building, 1st Floor, Kolkata - 700 012.
3. The Senior Personnel Officer (Rectt.), Railway Recruitment Cell, Eastern Railway, 56, C.R. Avenue, RITES Building, 1st Floor, Kolkata - 700 012.
4. Deputy Chief Personnel Officer / Rectt, Railway Recruitment Cell, Eastern Railway, 56, C.R. Avenue, RITES Building, 1st Floor, Kolkata - 700 012.
5. Assistant Personnel Officer (C&S), Eastern Railway, Sealdah, Kolkata - 700 012.
6. Railway Board, service through the Secretary, Railway Board, Railway Mantralaya, New Delhi - 11 001.

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7. Secretary, Railway Board, Railway Mantralaya,
New Delhi - 11 001.

..... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1954/2018

Date of Order: 07.03.2019

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

Prabitra Mondal -vs- RRC (E Railway)

For the Applicant(s): Mr. I. N. Mitra, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (I):

Heard Mr. I.N.Mitra, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Guha, Ld. Counsel, who usually appears for the Railway Recruitment Cell (E.Railways), is present in the Court, on my request, Mr. Mitra has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. A.K. Guha, in extenso.

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

"a) An order do issue setting aside and/or quashing the order dated 16.9.2017 issued by the APO (C&S), E. Railway; Sealdah, forthwith;

b) An order do issue directing the Railway Recruitment Cell, Eastern Railway to issue appointment letter in favour of the applicant, forthwith;

c) An order do issue directing the respondent to allow the applicant to join in service, forthwith."

4. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant applied under employment notification, dated 16.08.2012,

[Signature]

qualifying for the written examination, the applicant was called for document verification and, thereafter, was also called for medical examination. On 12.5.2014, applicant appeared before the Medical Board for medical examination and was declared 'fit' by the Medical Board. Ld. Counsel for the applicant submitted that while the applicant was waiting for appointment letter, vide letter dated 16.09.2017, applicant was intimated to appear before the Assistant Personnel Officer for re-medical examination on 9.10.2017. Pursuant to such instruction, applicant duly appeared before the officer concerned but practically no medical examination was held. It is further submitted that till today neither appointment letter was issued nor result of the re-medical examination has not been disclosed. Ld. Counsel for the applicant submitted that although ventilating his grievance the applicant has preferred representation dated 29.05.2018 under Annexure-A/7 before Respondent No.2 but till date no response has been received by the applicant. He further submitted that the applicant's grievance may be redressed if a direction is issued to Respondent No. 2 to consider his representation as at Annexure-A/7 within a specific time frame.

5. 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 applicant under Annexure-A/7, if the same is still pending consideration, as per rules and regulations in force and communicate the result thereof to the applicant in a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. I make it clear that till the decision is taken on applicant's representation and result communicated to him, one post will be kept vacant, if all the posts have not been filled up. It is also made clear that if after such consideration the grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a

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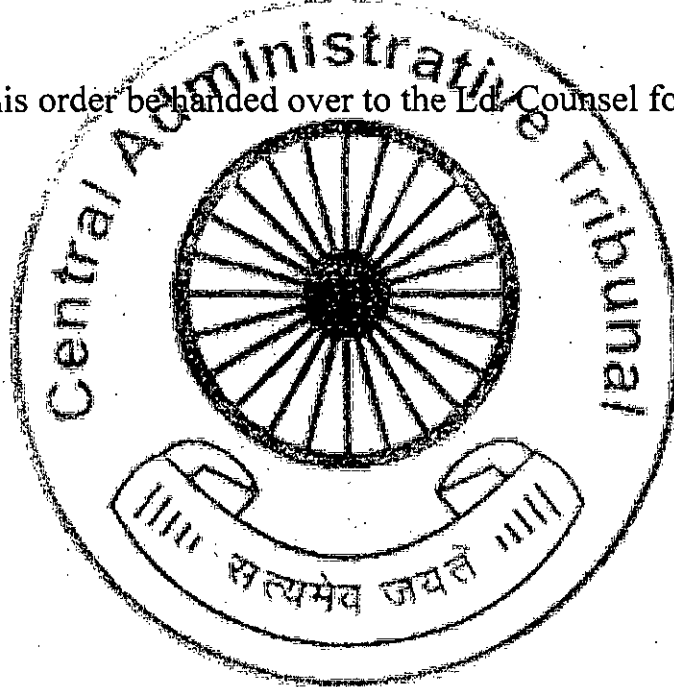
further period of six weeks to give him a chance for re-medical examination. However, if in the meantime the said representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of.

No costs.

7. 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.

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



(A.K.Patnaik)
Member(J)

RK/PS