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-1-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O.A.NO. 350/1931/2018

PARTICULARS OF THE APPLICANT:

SUJOY INDRA, son of late Anil Kumar Indra aged about 40 years, residing Village Gopinandi Lane, Sutragarh, Post Office – Santipur, District – Nadia, Pin 741 404, West Bengal.

.... *APPLICANT*

V E R S U S

- I. Union of India, through the General Manager, Eastern Railway, Fairlie Place, Kolkata 700 001.
- II. The Principal Chief Personnel Officer, Fairlie Place, Kolkata 700 001
- III. The Chairman, Railway Recruitment Cell, Eastern Railway, 56, C R Avenue, Kolkata 700 012

.... *RESPONDENTS*

Ad

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1931/2018

Date of Order: 04.03.2019

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

Sujoy Indra -vs- RRC E. Rly

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

Ms. P. Mondal, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant, and Mr. S.Banerjee, 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:

"An order do issue directing the respondents to grant appoint in favour of the applicant in Group 'D' post following the policy of inter-se-change."

3. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant applied for a Group D post vide notification issued by Railway Recruitment Cell and was declared suitable in both written and PET test and thereafter he was called for document verification. As the applicant was not empanelled, he made an application under RTI Act, 2005 which he received the reply. Ld. Counsel submits that this Tribunal passed an order wherein direction was issued upon the respondents to follow Master Circular 13 to fill up one category of PH Vacancies where short fall lies by the other category. The applicant prayed for grant of benefit of the order passed by Hon'ble Tribunal.

4. Ld. Counsel for the applicant fairly submitted that although the applicant has preferred a representation dated 19.07.2018 (Annexure-A/3) before Respondent No.3 but till date nothing has been communicated to him. He further submitted that

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-3-

the grievance of the applicant may be more or less redressed if the said authority is directed to consider his representation in the light of the common order passed by this Tribunal under Annexure-A/2 in similar cases, i.e. O.A.No. 196/2013 and other connected O.As., 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. 3 to consider the representation of the applicant under Annexure-A/3, if the same has been filed and is 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 of this order. I make it clear that while considering Annexure-A/3 representation, Respondent No. 3 will also keep in mind the judgment delivered by this Tribunal as annexed under Annexure-A/2. It is further made clear that if after such consideration the grievance of the applicant is found to be genuine and he is otherwise eligible then the benefit of appointment may be provided to him by recommending his case to appropriate authority by Respondent No.3 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 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. 3, 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)