

LIBRARY

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No. 350/01310/2015

Date of Order: 10.09.2015

PRESENT:

THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER

THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

.....

Arjul Islam, son of Late Ahammad Ali, aged about 52 years, worked as
Checking Assistant, Metro Railway, Kolkata.

.....Applicant

For the Applicant: Mr. T.K. Biswal, Counsel

-Versus-

1. The Union of India service through the Secretary, Ministry of Railway, (Railway Board), New Delhi-111001.
2. General Manager, Metro Railway, Metro Railway Bhavan, Kolkata-700071.
3. Senior Personnel Officer, Metro Railway, Kolkata, Metro Railway, Bhavan, Kolkata-700071.
4. The Chief Personnel Officer, Metro Railway, Kolkata, Metro Railway Bhavan, Kolkata-71.
5. Deputy Chief Personnel Officer, Metro Railway, Kolkata, Metro Railway Bhavan, Kolkata-700071..

.....Respondents

For the Respondents : Mr. B.L. Gangopadhaya, Counsel.

ORDER

JUSTICE G. RAJASURIA, JM:

Heard both.

2. This OA has been filed seeking the following reliefs:

"(a). Direction upon the respondents more particular the respondent No.2 to consider and dispose of the representations of the applicant at Annexure- to this application by a reasoned order in accordance with law for regularisation of the service of the applicant for the post of Group D under Metro Railway without any delay;

(b) Consequential order directing the respondent No.2 to ask the respondent No.3 for result of the re medical examination and after the result to regularise the service of the applicant as a Group D employee under the Metro Railway without any delay;

(c) Costs;

(d) And/or pass such other or further order or orders as your lordships may deem fit and proper."

3. The learned counsel appearing for the respondents, at the outset controverted the factual position to the effect that absolutely there is nothing on record to show that the railway authority referred the applicant for medical examination for Gr. D. When query was raised by this Bench, the learned counsel for the applicant would place reliance on the Annexure-A/6 which would show that the senior personnel officer virtually raised the query as to what the *locus standi* of the applicant to seek for medical examination. He in fact wanted particulars of allocation number, authority of such deposit and reference number of the letter etc. Thereafter, nothing was known. The applicant on his own accord assumed and presumed various things and filed this OA. As such, at this stage, we do not like to delve deep into the details of the matter.

4. In view of the of the controversial facts involved in this case, we would like to pass the following direction:

The applicant is at liberty to give a detailed representation to the Respondent No.4 within a month from the date of receipt of a copy of this order; whereupon, the Respondent No.4 shall consider the same and give a detailed speaking order to the Applicant within a period of three months thereafter.

We have not gone into merits of the case
5. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice G.Rajasuria)
Judicial Member