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CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH KOLKATA

O.A.No.1213/2013

Date of Order : 06-01-2016

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member
Hon'ble Ms Jaya Das Gupta, Administrative Member

Sudipta MaitiApplicant

-Versus-

Union of India & Ors. (S.E.Rly.RRC)

.....Respondents

For the applicants : Mr A. Chakraborty , Counsel
For the respondents : Ms S. D. Chanda, Counsel

ORDER (ORAL)

JUSTICE G.RAJASURIA, JM,

Heard both. This O.A has been filed seeking the following reliefs :

- a) Speaking order No.P/Rectt/CC/OA No.571/13/CAT/CAL/SM dated 09/09/2013 issued by the Chairman, Railway Recruitment Cell, S.E.Rly., Garden Reach cannot be tenable in the eye of law and as such the same may be quashed.
- b) An order do issue directing the respondents to call the applicant to appear in the medical test for appointment in Group-D post as he was declared suitable in the written test and the PET and he had already deposited the amount of Rs.24/- for Pre-Recruitment Medical Examination against Employment Notification No.SER/RR/02/2010.

2. As summation and summarisation of the germane faces absolutely necessary for the disposal of this case would run thus :

The applicant applied for the post of Group D under the Railway administration in pursuance of the Employment Notice No.SER/RR/2/2010 dated 15.12.2010. Whereupon the applicant was permitted to take up the written examination in which she passed. Thereafter, PET was also conducted and the applicant came out successful. Subsequently he was referred to medical examination for which he also paid the requisite fee. Thereafter, he was turned down on the ground that his application was not complete in Column No.13 of it. Being aggrieved, this O.A has been filed.

3. The learned counsel for the applicant would also submit that absolutely this is not a case of impersonation or mis representation. Hence he prays for allowing the application.



4. Per contra, the learned counsel for the respondents, placing reliance on the affidavit in reply would submit that the speaking order as contained in Annexure A-4, which is found reflected at para 9 of the reply, would show that strictly in accordance with the Employment Notice his candidature was rejected. Simply because the applicant was permitted to take part in the written examination and in PET that it does not mean that the applicant should be given appointment, de hors other terms and conditions of the employment procedure. Accordingly he would pray for the dismissal of the O.A.

5. The point for consideration is as to whether non filling of column No.13 of the application for employment would be fatal to the applicant's candidature even though applicant passed the written test and the PET.

6. No doubt 65683 applications were rejected by the Railway administration at the threshold because those applications were defective. However the Railway administration permitted the applicant to participate in the written test as well as PET in which he came out successful. What we could understand from the records as well as the submissions of both sides, is that absolutely there is no fraud or impersonation involved in this matter. In such a case mere non filling of column No.13 concerning identification marks cannot be a ground for rejection at this belated stage. The maxim "De minimis non curat lex" (The law does not notice or concern itself with trifling matters) should be borne in mind. In that view of the matter the speaking order has to be set aside and the following direction has to be given.

Accordingly the speaking order is set aside and the Railway administration shall subject the applicant to medical test and if he is found fit in it, his candidature be considered for appointment and also if he is otherwise suitable. The above exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order.

O.A is disposed of. No costs.

(Jaya Das Gupta)
Member (Admn)

(Justice G.Rajasuria)
Member (Judi.)