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CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No. O.A. 350/01303/2015

Date of order : 9.9.2015

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

Shri Manbodh Gorain,
Son of Lal Prasad Gorain,
Aged about 26 years,
Unemployed, residing at
Vill. & P.O. Chiksia, P.S. Chas Moffusil,
District - Bokaro, Pin-827013, Jharkhand.

.. Applicant

- V E R S U S -

1. Union of India, service through the
General Manager, S.E. Railway,
11, Garden Reach Road,
Kolkata - 700 043.
2. The Chairman (Rectt.),
Railway Recruitment Cell,
S.E. Railway,
11, Garden Reach Road,
Kolkata - 700 043.
3. The Chief Personnel Officer (Rectt.),
Railway Recruitment Cell,
S.E. Railway,
11, Garden Reach Road,
Kolkata - 700 043.
4. The Assistant Personnel Officer (Rectt.),
S.E. Railway,
11, Garden Reach Road,
Kolkata - 700 043.



.. Respondents

For the Applicant : Mr. J.R. Das, Counsel

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

O R D E R (Oral)Per Mr. G. Rajasuria, Judicial Member:

Heard Ld. Counsel for both sides.

2. This O.A. has been filed by the applicant seeking the following reliefs:-

"(i) To direct the respondent to offer appointment to the applicant in terms of re-verification of documents held and pass further order/orders, if any, holding cancellation of the candidature of the applicant being bad in law, therefore, set aside the same.

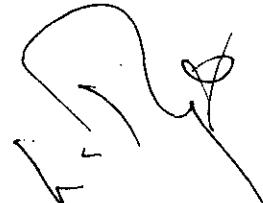
(ii) To direct the respondents to hold Medical Test of the applicant's appointment in Gr. 'D' post forthwith since already has passed the Written Test and Physical Efficiency Test and also the document verification in two occasions and that the scenario there being of rigorous verification on all papers/documents/signatures on different occasions, and to further direct the respondents to incorporate the name of the applicant in the selection list for Medical Test by amending the same or by publishing a separate memo as per rule.

(iii) An order directing the respondents to call the applicant for medical test and to hold medical examination of the applicant within no time.

(iv) An order directing the respondents to enlist the applicant in the list of selected candidates without further delay.

(v) An order directing the respondents to offer appointment to the applicant in the aforesaid Gr. 'D' post at the earliest.

(vi) An order directing the respondents to dispose of the



appeal made by the applicant.

(vii) An order directing the respondents to produce entire records of the case since lying within the jurisdiction of this Hon'ble Tribunal."

3. The Ld. Counsel for the applicant would submit that earlier O.A. No. 357 of 2013 was filed seeking a direction from the CAT that the applicant should be subjected to medical examination as he already paid the medical fees also concerning the recruitment for the post of Gr. 'D'.

4. The said O.A. was withdrawn, on the ^{found} hope that the Railway authorities would consider the candidature of the applicant. However, to his dismay and disappointment despite lapse of seven months there is no response from the respondents. Hence this O.A.

5. Per contra, the Ld. Counsel for the respondents would submit that if time is granted his client would file a detailed reply on this.

6. At this juncture, we are of the view that the applicant is aggrieved because, he was not subject to medical examination despite the fact that he had paid the requisite fees for medical examination.

6. Hence, we issue this direction without deciding the matter on merits.

The respondent authorities ^{shall} ~~would~~ do well to see that the



speaking order is issued concerning the non-calling of the applicant for the medical examination despite the fact that he deposited the requisite fees, within a period of three months from the date of receipt of a copy of this order.

7. Ordered accordingly.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)

SP