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CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH KOLKATA

O.A.No.350/01504/2015

Date of Order : 24-09-2015

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

SUBHRA PURKAIT

.....Applicants

-Versus-

E. RAILWAY

.....Respondents

For the applicants : Mr. B. Baidya, Counsel
For the respondents : None

ORDER (ORAL)

JUSTICE G.RAJASURIA, JM,

Heard learned counsel for the applicant. Despite service of notice on the respondents, there is no representation. This O.A has been filed seeking the following reliefs:

- "8.(a) Declaration that the provisions of the Clause 1(x) and Clause 2(1) of the said Railway Board Letter No. E(RRB)/2006/34/3 Dated 12.06.2006 is ultra vires to the provisions of the Article 14 of the Constitution of India as such, same is liable to be cancelled.
- (b) Direction be given upon the respondents to supply the answer script of the applicant for the written test in the selection process for the Group D Post under Employment Notice No.0113 having Roll No.41224381.
- (c) A direction be given upon the respondents to produce all the relevant documents of the case before The Hon'ble Tribunal in order to render conscientious justice to the applicant.
- (d) To pass such other order or orders and/ or further order as to Your Lordships may deem fit and proper for the ends of justice."

2. The learned counsel for the applicant would echo the grievance of his client that despite the Tribunal's earlier order passed on 08.09.2015 in O.A.1419/2015 as under :

"The Learned Counsel for the applicant would also submit that he has not served notice to the other side. This case is of such a nature that even without notice suitable direction could be passed because the CAT feels that his claim for getting the answer script alone could be acceded to and his prayer for participation in PET is a farfetched



one and it is obvious and axiomatic that without passing written examination, he cannot participate in PET. As such, this OA is disposed of with the following direction.

4. The Respondent No.3 is directed to supply copies of the answer script of the applicant within a period of fifteen days from the date of receipt of a copy of this order.

5. This OA is accordingly disposed of. No costs."

There was no response from the respondent authority. On the other hand the Railway authority would in response to the RTI application filed by the applicant took a stand that answer sheet could not be given to the applicant.

3. We would like to reiterate our earlier order and observe that the same should be implemented in stricto sensu without any demur. Respondents are directed to dispose of the matter forthwith otherwise we would like to take action as per law.

4. Learned counsel for the applicant would also pray for an order to the effect that pending furnishing of the answer sheet one post should be kept vacant for his client. We are of the opinion that passing of such an order would mean to prejudge the issue. As of now we have not judged the eligibility of the applicant under the Railways. Accordingly such prayer is rejected.

We have also not gone into merits of the case

O.A is disposed of. No costs.

(G. RAJASURIA)
JUDICIAL MEMBER