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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No. 350/01419/2015

Date of Order: 08.09.2015

Present:

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

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Subhra Purkait, son of Manas Kumar Purkait, resident of Village Nimpith (Near Girls' School), Post Office Nimpith Ashram, Police Station-Joynagar, District-24 Parganas (South), PIN – 743338.

.....Applicant

For the Applicant: Mr.B.Baidya, Counsel

-Versus-

1. The Union of India service through the General Manager, Eastern Railway, Fairlie Place, Kolkata-700 001.
2. The Chairman, Railway Board, Rail Bhawan, Raisina Road, New Delhi-110 001.
3. The Chairperson, Railway Recruitment Cell, Eastern Railway, 56 Chittaranjan Avenue, Kolkata-700 012.
4. The Senior Personnel Officer (Recruitment), Railway Recruitment Cell, Eastern Railway, 56, Chittaranjan Avenue, Kolkata-700 012.
5. The Chief Personnel Officer (Administration) and Public Information Officer, Eastern Railway, Fairlie Place, Kolkata-700 001.
6. The Deputy Secretary (G) and APIO, Eastern Railway, Fairlie Place, Kolkata-700 001.

.....Respondents

For the Respondents : Mr.



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ORDER

JUSTICE G. RAJASURIA, JM:

Heard the Learned Counsel for the Applicant at this admission stage itself.

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

"(a) Direction be given upon the respondents to produced 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 for assessment of the same by an independent expert or by the Hon'ble Tribunal.

(b) A Direction be given upon the Chairperson, Railway Recruitment Cell respondent no.3 to permit the applicant to take part in the Physical Efficiency Test (PET) for the said Group D post, if the applicant found secured more than marks secured by the last selected candidate in written examination after proper assessment of answer script of the applicant.

(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 conscionable 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."

3. The Learned Counsel for the applicant would vehemently argue that his client has fairly done well in the written test and that he should have been declared passed by the concerned authority, but unfortunately his name did not figure in the list of successful candidates in the written test. In the meanwhile the Physical Efficiency Test is going on for other candidates and if his client is not allowed to participate in the said PET, subject to the passing of the written test, his interest would be affected. As such, he would pray for an interim order to the effect that his client should be allowed to participate in the PET.

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

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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.

(Jaya Das Gupta)
Admn. Member

(Justice G.Rajasuria)
Judicial Member

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