



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

CPC No.350/00126/2015  
MA No.350/00347/2015  
(OA No.350/00789/2015)

Date of Order: 01.09.2015

**Present:**

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

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CPC No.350/00126/2015

Shri Chiranjit Bhattacharjee

V/s

Union of India & Ors

MA No.350/00347/2015

Union of India & Ors

V/s

Shri Chiranjit Bhattacharjee

For Shri Chiranjit Bhattacharjee: Mr. B.N.Adhikary, Counsel

For the Union of India & Ors. : Mr.A.K.Guha, Counsel

**ORDER**

**JUSTICE G.RAJASURIA, JM:**

MA No.350/00347/2015 has been filed by the Union of  
India and others seeking the following reliefs:

"(a) To recall and or modify the order dated  
03.06.2015 passed in OA No. 350/00789/2015 and  
direct the Petitioner/Respondent No. 15, the  
Chairman, Railway Recruitment Board (RRB) at

Kolkata and/or the Petitioner/Respondent No. 16, the Secretary of Railway Recruitment Board (RRB) at Kolkata to carry out the said order dated 03.06.2015 passed by the Hon'ble Tribunal/Calcutta.

(c) To pass such other order or orders and/or further orders as to Your Lordships may deem fit and proper for the end of justice."

(extracted as such)

2. CPC No.350/00126/2015 has been filed by Shri Chiranjit Bhattacharjee, Applicant in OA No.350/00789/2015 seeking the following reliefs:

".....to issue a Rule calling upon the Respondents/Contemnors to show cause as to why the Respondents/Contemnors No. being 01 to 16 including Respondents/Contemnors No.02 shall committed to prison or be suitably punished for deliberate willful and contumacious violation of the Hon'ble Tribunal dated 03.06.2015 in O.A. No. 350/00789 of 2015 (Chiranjit Bhattacharjee -versus- the Union of India & Ors) and if no cause is shown or insufficient cause is shown, to make the Rule absolute and pending disposal of the Rule; the Respondents/Contemnors may be directed to reconstruct the direct appointment to the Petitioner for the post of Junior Engineer (J.E.) of other similarly circumstanced paneled candidates in the equivalent posts forthwith with all other reliefs as the Hon'ble Tribunal may deem fit and proper.

II) An order do issue praying for directing each of the Contemnors/ Respondents herein to strictly trieat and comply as per Directives dated 03.06.2015 pass in Original Application being OA No. 350/00789 of 2015 forthwith without making any further delay what soever. Letter on and before Appointment to others Candidates on the basis of his representation for consideration or his prayer



submitted on 20.04.2015 addressed to the Respondents Authorities Nos. 15 and 16.

But, over the matter his Call letter was not issued till date by the Respondent Authorities No. 15 and 16 to the above named Petitioner (Roll No. 2109047) on and before Appointment to others candidates for Documents Verification. In reply, the concerned Respondent Authorities No. 15 and 16 informed to him that it is not possible for issued Call Letter for his appointment/Joining letter to the above Petitioner without any Court's Order.

(IV) An order do issue praying for directing upon the Respondents and each one of them for transmit and produced all records of the case before this Hon'ble Court.

(V) Pass any other Order/Orders, direction or directions as this Hon'ble Tribunal may deem fit and proper in the end of justice."

(extracted as such)

3. The Learned Counsel appearing for the Respondent-Railways would make a supine submission to the effect that in view of the order dated 03.06.2015 passed by this Bench of the CAT, there were some difficulties in passing the order by the Respondent No.2, because actually, the matter was dealt with by the Chairman, Railway Recruitment Board (RRB), Kolkata (Respondent No. 15) and, as such, there was no willful or deliberate violation or delay in complying with the order of this Bench. The Respondent No. 15 would be the person who shall be able to give a detailed speaking order to the Applicant in the OA and hence ten days' time might be given to Respondent No. 15 to



pass a speaking order and communicate same to the applicant in the OA immediately.

On the other hand, the Learned Counsel appearing for the Applicant/Petitioner in OA would vehemently oppose the submission made by the Learned Counsel for the Respondent-Railway by pointing out that taking into account the seriousness of the matter, this Bench directed the Respondent No.2 to apply his mind and pass an order; as such, it is too late in the day on the part of the Respondent-Railway to get the order amended. As such, he would pray for the dismissal of MA filed by the Respondent-Railways and for allowing the prayer made in the CPC.

4. The factual matrix of the matter lies within a narrow compass. Earlier this Bench of the CAT did not decide the matter on merits and there is no dispute over it. The contention of the Learned Counsel for the Applicant in the OA that the earlier order was passed by this Bench directing the Respondent No.2 to pass order taking into account the seriousness of the matter is neither here nor there, as in the order there is no such indication. The subject matter of this case is concerning recruitment. So, the Respondent No.15 (the Chairman, Railway Recruitment Board (RRB), Kolkata) would be the competent authority to delve deep



into the matter and issue a well reasoned order and in that way, the applicant would be benefitted for getting more information. It is because of that there was delay on the part of the Respondent Railways in complying with the earlier order of this Bench of the CAT. We could see no animus on the part of the Respondent No.2 in not complying with the order. As such the direction is issued as under:

The Respondent No. 15 shall do well to issue a well reasoned order in compliance with the earlier order of this Bench of the CAT dated 03.06.2015 passed in OA No. 350/00789 of 2015 within a period of 10 (ten) days from today and communicate the same immediately to the Applicant.

5. With the aforesaid observation and direction, CPC No.350/00126/2015 & MA No.350/00347/2015 stand disposed of. No costs.

(Jaya Das Gupta)  
Member (Admn.)

(Justice G.Rajasuria)  
Member (Judicial)