

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CALCUTTA BENCH, KOLKATA

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M.A.350/00256/2014

O.A. 1132/2011

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

Partha Pratim Bera .....Applicant

Vs.

Union of India & Ors.(SAIL.) .....Respondents

For the Applicants : Ms B. Ghosal, Counsel

For the Respondents : Mr. T. Banerjee & Mr A. Roy, Counsel

Date of Hearing : 29.01.2016

Date of Order : 24.02.2016

**ORDER (ORAL)**

**JUSTICE V.C.GUPTA, JM**

The petitioner filed this application under Section 19 of the Administrative Tribunals Act 1985 challenging the selection proceeding meant for selecting the candidates to the post of Medical Service Provider (Radiology). The applicant participated in the selection process but he was declared unsuccessful. Thereafter he started challenging the selection procedure of the Selection Committee. He filed Writ Petition before the Calcutta High Court for getting redress of his grievances but Hon'ble High Court declined to invoke the jurisdiction under Article 226 of the Constitution of India by giving liberty to the petitioner to approach the Tribunal. In pursuance thereof the petitioner filed this petition along with a petition for condonation of delay of 3 years on the ground of wrong legal advice given to him. Hon'ble High Court is not condoned the delay in preferring the application under Section 21 of the Act. While passing the order considering the application no direction was given by the Hon'ble High Court to entertain the petition under Section 19 of the A.T.Act by condoning the delay in preparing the case. The entire selection process has been completed in the year 2008



itself. In view of the factual background the petitioner has participated in the selection process and only after being declared unsuccessful he challenged the Selection Committee proceeding in a belated stage which has been occurred due to wrong legal advice given to him.

2. Considering the present scenario it would not be proper to condone the delay on merit too and the application for condonation of delay is rejected. Consequently the Original Application is also rejected

O.A is accordingly disposed of.

( JAYA DASGUPTA )  
ADMINISTRATIVE MEMBER

( V.C. GUPTA )  
JUDICIAL MEMBER

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