

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

LIBRARY

No. O.A. 350/01913/2015

Date of order: 17.3.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

TARUN BISWAS

VS.

UNION OF INDIA & ORS. (Defence)

For the Applicants : Mr. S. Biswas, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

ORDER (Oral)

Per Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the applicant and the Ld. Counsel for the respondents.

2. The applicant in pursuance of an advertisement issued in the month of March, 2015 applied online for the job in Metal and Steel Factory, Ishapore. The case of the applicant is that he has not been informed about the written test or interview. He received a sms on 16.8.2015 of the information of examination on 5.6.2015. Thereafter he made a representation, the copy of which has been annexed as Annexure A-5 and stated that no reply has been given to the same.

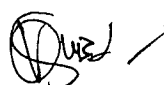
Hence, on the premises that he has been deprived of appearance in the examination is entitled to appear again.

3. The Ld. Counsel for the respondents would submit that in the advertisement itself clearly it has been mentioned that application should be submitted online. In the advertisement it was also mentioned,

"The intending candidates may visit the factory's website www.msf.gov.in and carefully read all the instructions given in the detailed advertisement before applying online."

In advertisement in Point No. 12 (i) it is clearly mentioned:

"Candidates must check the MSF website frequently, at least every



"week for information related to time table of written examination and printing of Admit Card and any other updates on the examination process.

4. It was further submitted by Ld. Counsel for the applicant that Annexure A-5 was duly replied on 14.10.2015 but the applicant purposefully concealed the communication sent to him. The reply which has been sent on 14.10.2015 has been placed before us which reads as under:-

" With reference to the letter cited above it is stated that in the advertisement published by this factory in the website www.msf.gov.in it was clearly mentioned in Point 12(i) of the advertisement that "Candidates must check the MSF website frequently, at least every week for information related to time-table of Written Exam and printing of Admit Card and any other updates on the examination process." Accordingly the same was informed to the candidates well in advance before the date of examination through MSF Website.

Hence, there was a lapse on your part since you had not browsed the MSF Website at regular intervals."

5. Hence in view of the above, when the information was uploaded on website it should be deemed to be in notice of public at large in view of the provisions of Information and Technology Act and the applicant cannot plead contrary to the statutory provisions that he was not aware with the date of examination. Moreover, the pleadings that he received the sms on 15.8.2015 in these circumstances does not make any difference.

6. We are of the view, that the petition lacks merit and is accordingly dismissed at the admission stage. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP