

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 350/00243/2016

Date of order: 15.3.2016

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

ANAND PRAKASH AGARWAL

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

O R D E R (Oral)

Per Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the petitioner.

2. By means of this application the applicant press for the following reliefs:-

- a) A direction upon the respondents to transmit all records pertaining to the recruitment in respect of the said advertisement notice answer script together with question booklet and evaluation sheet so that consonable justice can be done.
- b) Direction upon the respondents to re-examine the answer script/sheet of the applicant in the presence of question Booklet supplied to the applicant at the time of examination in the interest of justice.
- c) To issue direction upon the respondent to give appoint for the post of TGT English Teacher to the applicant;
- d) Any other order or orders learned Tribunal deemed fit and proper.
- e) To issue direction upon the respondents to produce connected

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Departmental record at the time of hearing."

3. Earlier he filed the petition having O.A. No. 350/01571/2015 which was disposed of by order dated 17.11.2015, extracted hereinbelow:-

“ Heard Ld. Counsel for both sides.

2. This O.A. has been filed seeking the following reliefs:-

“ a. A direction upon the respondents to transmit all records pertaining to the recruitment in respect of the said advertisement notice answer script together with question booklet and evaluation sheet so that consonable justice can be done.

b. Direction upon the respondents to re-examine the answer script/sheet of the applicant in the interest of justice.

c. An injunction directing the respondents to keep one post reserved till the final decision of this application.”

3. The Ld. Counsel for the applicant at the time of hearing restricted his prayer to the extent that his client would be satisfied if a direction is given to the respondent authority to give a photocopy of the answer scripts to him within a time frame; whereas the Ld. Counsel for the respondents would pray for filing of detailed reply.

4. In view of the rival contentions, we are of the view that since the applicant has restricted his prayer to the limited extent, we would like to dispose of this O.A. without deciding the same on merits, by giving the following direction.

5. The respondent authority shall issue the answer scripts of the applicant, including the marks awarded to him thereon within a period of one month from the date of receipt of a copy of this order subject to applicant depositing the requisite fees for obtaining such copy.

6. The O.A. is, accordingly, disposed of. No costs.”

4. After disposal of this petition he filed this petition for claiming the same reliefs so far as relief No. 1 is concerned in earlier O.A.

5. In view of the statement recorded by the Court in para 3 of the earlier judgment the petitioner is barred to seek the similar delay which has not been granted to the applicant in the earlier petition. Only partial relief was granted on

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the basis of statement of Counsel for the petition.

6. Hence, the petition cannot be admitted for hearing at this stage. Accordingly, the petition is dismissed at the admission stage itself. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP