

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

**LIBRARY**

No. OA 350/01159/2013

Date of order : 3.9.2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Mr. R.Bandyopadhyay, Administrative Member

PRASANTA DUTTA & ORS.

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.Chakraborty, counsel

For the respondents: Mr.A.K.Banerjee, counsel

O R D E R (ORAL)

Ms.Bidisha Banerjee, J.M.

Heard both the ld. Counsels.

2. Ld. Counsel for the respondents placed on record the application form of Prasanta Dutta and others wherefrom it appears that the choice exercised by the applicant Prasanta Dutta while applying against notification in question was as under :

- i) Helper II – Electrical
- ii) Trackman/Gangman
- iii) Helper II – Mechanical
- iv) Helper II – S&T
- v) Porter

The application form of Prasanta Dutta is taken on record.

3. It has been submitted by the ld. Counsel for the respondents that since vacancies in Helper II- Electrical were not available for consideration the applicants at the material time, they were duly appointed against the posts of Trackman.

4. Although in the reply the respondents had stated that the applicants cannot seek a change in their category, today ld. Counsel for the respondents

submits at the Bar that change of category is permitted provided vacancies are there in particular category to meet the shortfall.

5. Ld. Counsel for the applicants submits that there are vacancies available for their consideration whereas the ld. Counsel for the respondents contradicts the same.

6. Ld. Counsel for the applicant has also drawn our attention to the orders passed by other zones where change of category has been permitted.

7. Ld. Counsel for the applicant also submits that maximum age for Trackman is 45 years. The applicants had already crossed that age at the time of their appointment and so they would require relaxation in age limit to be considered for the post of Trackman.

8. Be that as it may, ld. Counsel for the respondents assures that if any vacancies arise in Helper II - Electrical, the applicants shall be duly considered.

9. In view of such assurance given by the ld. Counsel for the respondents, with the consent of the parties, the OA is disposed of with a direction upon the respondents to consider the case of the applicants in accordance with law and if vacancies are available in the category they have chosen, let an order be passed within three months from the date of communication of this order. If no vacancies are available, orders be passed within one month from the date of occurrence of vacancies.

10. The OA is accordingly disposed of. No order is passed as to costs.

(R.BANDYOPADHYAY)  
MEMBER (A)  
in

(BIDISHA BANERJE)  
MEMBER (J)