



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/545/2019
M.A/350/301/2019

Date of Order: 27.09.2019

Coram: Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Mr. N. Neihisal, Administrative Member

Kumar Ambrish Vatsa, son of Shri Satya Narayan Singh, aged about 26 years, unemployed youth, resident of Village Palidih, P.O Churamanchak, Police Station - Bhagwanpur, District Begusarai, 851139.

---Applicant

Versus

1. The Union of India, service through the General Manager, South Eastern Railway, 11 Garden Reach Road, Kolkata 700043.
2. The Chairman (Rec'tt.) Railway Recruitment Cell, South Eastern Railway, 11 Garden Reach Road, Kolkata 700043.
3. The Assistant Personnel Officer (Rec'tt.) Railway Recruitment Cell, South Eastern Railway, 11 Garden Reach Road, Kolkata 700043.

---Respondents

For the Applicant(s): Mr. P. Kashyap, counsel

For the Respondent(s): Mr. R. K. Shah, counsel

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

The applicant has filed this M.A 301/2019 praying for condonation of delay in filing the O.A.

2. We have perused the M.A. We find that the impugned order was passed on 07.11.2017 by which his candidature was not considered for appearing in

the PET and medical examination for recruitment to the post of Group D in South Eastern Railway.

3. Heard Mr. P. Kashyap, ld. counsel appearing on behalf of the applicant and Mr. R. K. Shah, ld. counsel appearing on behalf of the respondents.

4. Ld. counsel for the respondents vehemently objected to admission of this O.A. on the ground of limitation.

5. Ld. counsel for the applicant submits that pursuant to advertisement dated 29.09.2012, the applicant made an application for appointment to Group 'D' post and appeared in the written examination where he was declared successful and thereafter he was called for PET, in which he qualified too. Thereafter, he was called for document verification and at the time of document verification, his presence in the written test was verified with photographs taken at the examination. His participation in the PET was also verified. After being satisfied in all respect, the applicant was cleared for document verification. Thereafter, he didn't get any communication from the respondents and on 25.08.2014 he made representation but did not get any reply. Again, on 06.11.2015, he made legal representation but to no avail.

Thereafter, vide order dated 07.11.2017, the applicant was communicated that his candidature was not considered for final verification on the reason that 'written call letter not matching'. Ld. counsel submits that the applicant's wife is under treatment and as per doctor's advice, she had to undergo medical treatment and the applicant was accompanying her and as such he could not contact his lawyer to file an original application. Subsequently, he made his representation dated 30.11.2018 before the Respondent No. 1, the General Manager, S.E. Rly and Respondent No. 3, Asst. Personal Officer(Rectt.) RRC, SER.



According to ld. counsel, since the said representation, dated 30.11.2018, has been pending before the Department, as such, there is no such delay, however, as a precautionary measure, he has filed this M.A for condonation of delay.

6. From the above, it appears that the applicant did appear in the written examination in pursuance of advertisement dated 29.09.2012 issued by the Railway Recruitment Board, SER for recruitment to the Group 'D' Post, where he was declared successful in written test, as well as PET and verification of document. By giving the reason 'written call letter not matching' his candidature was rejected vide communication dated 07.11.2017. Applicant made representation on 30.11.2018. However, the department was sitting tight over the matter, which was supposed to be disposed of within six months. Having not done so, the applicant has filed this OA on 11.04.2019.

Having regard to the facts and circumstances of the matter, we condone the delay. Accordingly, MA is allowed.

7. Ld. counsel for the respondents accepted notice on behalf of the respondents.

8. At the outset, ld. counsel for the applicant submits that he will be satisfied if the representation dated 30.11.2018 (Annexure A/6), which has not yet been disposed of by the respondent authority, is considered by the respondents or this O.A is treated as comprehensive representation by the respondent No. 1 and is disposed of within a specific time frame.

9. By accepting the prayer made by ld. counsel for the applicant, we deem it fit and proper to issue a direction upon the respondents to consider the representation of the applicant dated 30.11.2018 within a time frame.

10. Accordingly, we direct the applicant to produce this O.A before the Respondent No. 1 within 15 days from the date of receipt of a copy of this order. Respondent No. 1 shall dispose of the pending representation dated 30.11.2018 taking into account the points raised in the O.A. and will issue a reasoned and speaking order within 3 months by giving opportunity of being heard to the applicant.

11. The decision so arrived at shall be communicated to the applicant forthwith. It is made clear that we have not entered into the merits of the case and all the points are kept open for the respondents to consider in accordance with law. The O.A is disposed of accordingly. No costs.

