

Tribunal Application

Present: The Hon'ble Justice Pranab Kumar Chattopadhyay And The

Hon'ble Justice Md. Abdul Ghani

Judgment On: 24.08.2010.

W.P.C.T.192 of 2009

Narsngh Sahu

-Vs-

Union of India and others

Points:

Subsequent decision-Whether a party is entitled to get the same benefit as passed subsequently by the same court on similar circumstances-
Constitution of India Art. 226

Facts:

Writ petition has been filed assailing the judgment and order passed by the learned Central Administrative Tribunal dismissing the application filed by the petitioner on merits. Subsequently the said learned Tribunal while deciding the other applications filed under similar circumstances by several other candidates passed a common order by granting liberty to the concerned candidates to submit representation and the respondents were directed to consider the same in the light of the observations as specifically mentioned in the said order passed by the learned Tribunal.

Held:

Considering the subsequent order passed by the learned Tribunal on 9th April, 2010 in O.A.706 of 2009 and other 628 applications, Court are of the opinion that the petitioner should also be granted identical opportunity to file representation before the concerned respondent like similarly placed other candidates whose applications were finally decided by the learned Tribunal

on 9th April, 2010. Petitioner may submit representation against cancellation of the application before the Recruitment Cell of the Eastern Railway within two weeks from date and the competent authority of the said Recruitment Cell is directed to consider the aforesaid representation of the petitioner at an early date preferably within a period of six weeks from the date of submission of the said representation upon taking note of the judgment and order passed by the learned Tribunal on 9th April, 2010 in O.A.706 of 2009 and other 628 applications. Para 4 and 5

Mr. Imtiaz Belal. ...For the Petitioner.

Mr. Durga Das Purokayastha, Mr. Prasun Kr. Dutta. ...For the Respondents.

The Court: This writ petition has been filed assailing the judgment and order passed by the learned Central Administrative Tribunal, Calcutta Bench in case number O.A.319 of 2009 whereby and whereunder the said learned Tribunal dismissed the application filed by the petitioner herein on merits.

2. The learned Advocate of the petitioner submits that subsequently the said learned Tribunal while deciding the applications being O.A.No.706 of 2009 O.A.796 of 2009, O.A.798 of 2009 to O.A.801 of 2009 and O.A.817 to O.A.832 of 2009 and other more than 600 applications filed under similar circumstances by several other candidates passed a common order on 9th April, 2010 by granting liberty to the concerned candidates to submit representation and the respondents were directed to consider the same in the light of the observations as specifically mentioned in the said order passed by the learned Tribunal.

3. In view of the aforesaid order passed by the learned Tribunal, Mr. Belal, learned Advocate of the petitioner submits that the petitioner herein

should also be granted liberty to file representation before the concerned respondents.

4. Having heard the learned Counsel of both the parties and considering the subsequent order passed by the learned Tribunal on 9th April, 2010 in O.A.706 of 2009 and other 628 applications, we are of the opinion that the petitioner herein should also be granted identical opportunity to file representation before the concerned respondent like similarly placed other candidates whose applications were finally decided by the learned Tribunal on 9th April, 2010.

5. Therefore, we dispose of this writ petition by granting liberty to the petitioner herein to submit representation against cancellation of the application before the Recruitment Cell of the Eastern Railway within two weeks from date and the competent authority of the said Recruitment Cell is directed to consider the aforesaid representation of the petitioner at an early date preferably within a period of six weeks from the date of submission of the said representation upon taking note of the judgment and order passed by the learned Tribunal on 9th April, 2010 in O.A.706 of 2009 and other 628 applications.

6. The learned Advocate of the petitioner is directed to forward a copy of the aforesaid order dated 9th April, 2010 passed by the learned Tribunal along with the representation to the concerned authority of the Recruitment Cell of the Eastern Railway.

7. With the aforesaid observations and directions, we allow this writ petition and set aside the impugned judgment and order dated 24th June, 2009 passed by the learned Central Administrative Tribunal, Calcutta Bench in O.A.319 of 009.

8. In the facts of the present case, there will be no order as to costs.

9. Xerox plain copy of this order countersigned by the Assistant Registrar (Court) be given to the learned Advocate of the petitioner on usual undertaking.

