

W.P.C.T. 76 of 2025

Sanjit Kumar
Vs.
Union of India & Ors.

Mr. Srinjoy Das,
Mr. A.K. Sahay,
Mr. Arvind Kumar,
Mr. Aritra Ghosh

...for the Petitioner

Mr. Shiv Chandra Prasad,
Mr. Sarda Sha

...for the Respondents

1. Heard the learned counsel for the petitioner and the learned counsel/s representing the respondents.
2. The petitioner participated in a recruitment process conducted by the Railway Recruitment Board, Kolkata ('the Board' for short). The Board was conducting process for appointing Telecom Maintainer ('TCM' for short) Grade III. The Board was conducting the recruitment process based on the vacancies requisitioned by the various zones. The petitioner was an applicant for the East Zone for which 43 vacancies had initially been advertised. The petitioner is an applicant under the Scheduled Caste (S.C.) category.
3. Having participated in the process he was provisionally empanelled in the panel dated 24.04.2006 and recommended for appointment by the Board to the respective zone (East Zone). For

want of vacancies, the petitioner could not be appointed in the East Zone. It would be relevant to mention here that the currency of the panel was for one year, meaning thereby that the panel lapsed on 23.04.2007.

4. In view of there being no vacancies in the Eastern Zone, the authorities exchanged correspondence and it was proposed that instead of returning the vacancies and the panel to the Board, the authorities would explore the possibilities of appointing the petitioner in another zone. The East Zone accordingly communicated with the South-East Zone in the expectation that the petitioner may be appointed in the South-East Zone. For facilitating such consideration, the General Manager extended the currency of the panel for a further period of one year till 22nd April, 2008. In the meantime the petitioner was also requested to give his consent for being appointed in South-East Zone, which the petitioner claims to have submitted.
5. For facilitating the appointment of the petitioner in the South-East Zone, the records of the recruitment process including the result of the petitioner along with other empanelled candidates was required to be forwarded to the South-East Zone. Consent of the competent authority was

also required for this purpose. It appears the process could not be completed during currency of the panel, even after one year extension.

6. We find on record correspondence, even after the panel lapsed, whereby and whereunder the Eastern Railway and South-East Railway are still trying to work out the modalities as to how the petitioner, who could not be appointed earlier for want of vacancies, can be considered in the South-East Railway.
7. The realisation finally dawned upon the respondents that since the panel's currency had lapsed in April, 2008 no appointment could be offered and therefore, the petitioner was not offered appointment.
8. It is under such circumstances that the writ petitioner has approached the Central Administrative Tribunal, Patna Bench earlier by filing Original Application bearing O.A. No. 111 of 2012. While the Bench was sitting in Circuit at Ranchi, the writ petitioner withdrew the O.A. in view of the issue of territorial jurisdiction being raised. The withdrawal, however, was with liberty to invoke the forum having appropriate jurisdiction. Petitioner thereafter has filed the present O.A. No. 1161 of 2014 before the Central

Administrative Tribunal, Kolkata Bench (hereinafter referred to as 'C.A.T.').

9. The C.A.T. after considering the case of the parties has recorded its displeasure with the manner in which the authorities have proceeded in the matter. However, taking into consideration the fact that the validity of the panel had lapsed in April, 2008 itself, it has accepted the stand of the respondents that appointment could not be offered to the writ petitioner.
10. Insofar as the allegation of the applicant before the C.A.T. that those below him in the panel were appointed, such submission has also been rejected.
11. We, therefore, invited the learned counsel in the present proceedings to show us as to what material he relied upon to allege discrimination in the recruitment process. He has drawn our attention to the panel wherein his name figured and submitted that those whose names figured at serial nos. 7, 8, 9 and 10 were appointed. Even though the petitioner who was above these persons at serial no.3, he was not appointed.
12. The learned counsel for the Railway, however, points out that the four persons with whom the petitioner is claiming parity or alleging discriminatory treatment belonged to a different

class altogether as they were candidates under the S.T. category. The petitioner was an S.C. category and therefore, there was no basis for the petitioner to claim parity with these persons, moreso since the extant provisions provide for appointment of S.C., S.T. candidates, if there is a vacancy available at their respective roster point, irrespective of the fact that those above them in the panel have not been appointed.

13. We accept such submission advanced on behalf of the respondents' learned counsel, which is borne from the records and therefore, we find no force in the submission of the learned counsel for the petitioner that he has been discriminated against. The four persons below him belonged to S.T. category, whereas the petitioner belongs to S.C. category, and cannot claim parity with them.
14. Otherwise as taken note of above, the decision of the C.A.T. not to entertain the petitioner's O.A. is founded on two grounds, (1) being absence of any vacancy; and (2) the fact that the panel has lapsed and therefore, there was no scope for offering any appointment. These two reasons have been considered by the C.A.T. in detail.
15. We also consider it worth noting that though the panel has lapsed in the year 2008, the petitioner filed the O.A. in the year 2012 that also before a

wrong forum, which he was subsequently withdrawn in the year, 2014. The present writ petition arises out of an O.A. which has thus been filed in the year, 2014.

16. Considering the above facts, we find no infirmity in the order dated 04.12.2024 passed by the C.A.T. in O.A. No. 1161 of 2014 and no reason to invoke our extraordinary, discretionary jurisdiction under Article 226 of the Constitution of India to interfere with the order of the C.A.T.
17. The Writ Petition being **W.P.C.T. No. 76 of 2025** is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)