

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/396/2019

Date of Order: 26.02.2020

M.A/350/225/2019

M.A/350/224/2019

M.A/350/82/2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Achintya Kumar Kundu, son of Late Atindra Nath Kundu, aged about 64 years, retired Porter under CYM/Naihati, Sealdah Division, Eastern Railway, residing at C/o Goutam Chakraborty, 47, Talpukur Road, 3 no. Gali, Naihati, P.O & P.S Naihati, Pin 743165, Dist. 24 Parganas (N).
2. Paromita Kundu, daughter of Sri. Achintya Kumar Kundu, aged about 33 years, residing at C/o Goutam Chakraborty, 47, Talpukur Road, 3 no. Gali, Naihati, P.O & P.S Naihati, Dist. 24 Parganas (N), Pin 743165.

**--Applicants****-Versus-**

1. Union of India, through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata – 700001.
2. Railway Board, Ministry of Railways, Govt. of India, through its Chairman, Rail Bhawan, New Delhi.
3. The Divisional Railway Manager, Sealdah Division Eastern Railway, Sealdah, Kolkata – 700014.
4. The Senior Divisional Personnel Officer, Sealdah Division Eastern Railway, Sealdah, Kolkata – 700014.

--Respondents

For The Applicant(s): Ms. A. Sarkar, counsel

For The Respondent(s): Mr. H. Ghosh, counsel

O R D E R (O R A L)**Per: Ms. Bidisha Banerjee, Member (J):**

This O.A has been preferred to seek the following relief:

- i) To direct the respondents to cancel, withdraw and/or rescind the purported order dated 04.06.2015 as contained in Annexure 'A-8' herein.
- ii) To direct the respondents to cancel, withdraw and/or rescind the purported circulars being RBE Nos. 150/2018 & 151/2018 of the Railway Board as contained in Annexure "A-11" herein.
- iii) To direct the respondents to consider the issuance of letter of appointment to the applicant No. 2 under the LARSGESS Scheme in view of her eligibility and selection under the Railways without any further delay.

- iv) To direct the respondents to declare that the applicant No. 1 was entitled to retire from service under LARSGESS Scheme for all practical purposes having had the eligibility criteria therefor.
- v) to direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved therein.
- vi) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. M.A/224/2019 is treated to be in the day's list with the O.A and allowed with the consent of both the parties.

3. Heard ld. counsel for both sides.

4. At hearing, Ld. counsel for the applicants sought for liberty to withdraw this O.A to prefer a comprehensive representation to the authorities to seek benefits in terms of the RBE 39/2019, which was not previously sought for by the applicants.

5. Ld. counsel for the respondents does not have objection, if such prayer is allowed.

6. Accordingly, we allow the O.A to be withdrawn, giving liberty to the applicants to file comprehensive representation seeking consideration in terms of the RBE 39/2019, to the competent respondent authority, within a period of 4 weeks from the date of receipt of a copy of this order. In the event such representation is preferred, the competent authority shall consider and dispose it of in accordance with the RBE 39/2019 and issue a reasoned and speaking order to the applicants, within a period of 2 months from the date of receipt of such representation.

7. It is made clear that we have not entered into the merits of the matter and therefore all the points to be raised in the representation shall be open for consideration.



8. The present O.A stands disposed of as withdrawn with the aforesaid liberty. M.A 225/2019 and M.A 82/2020 consequently stands disposed of.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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