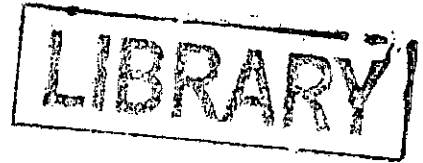


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



OA/350/241/2020
M.A. No. 134/2020

Date of Order: 03.03.2020

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

1. Sri Anish Kumar De, son of Late Dinanath De, working as Senior Section Engineer/DLCF/Dankuni, and residing at Vill.;Borai, P.O – Borai, Dist. : Hooghly, Pin – 712306.
2. Sri Mithun Sadhukhan, son of Sri Kashinath Sadhukhan, working as Senior Section Engineer/DLCF/Dankuni, residing at 229, G. T. Road Baidyabati, Dist.: Hooghly, Pin 712222.

.....Applicant

Vrs.

1. Union of India, service through the General Manager, E. Rly, 17, N.S Road, Kolkata – 700001.
2. The Principal Chief Personnel Officer, Eastern Railway, 17 N.S Road, Kolkata – 700001,
3. The Principal Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, 713332.
4. The Principal Chief Mechanical Engineer/Eastern Railway, Fairlie Place, Kolkata – 700001
5. The Principal Chief Electrical Engineer/Electric Loco Assembly & Ancillary Unit, Dankuni, Pin 712314.

.....Respondents

For the Applicant(s): Mr. N. Roy, Counsel

For the Respondent(s): Mr. P.Bajpayee, Counsel for Eastern Railways

MR. B.P.Manna, Counsel for CLW

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels appearing for the respective parties.



2. M.A. No. 134/2020 preferred by the applicants under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 to seek joint prosecution of this case is allowed subject to filing of required Postal Order/D.D. for each of the applicants.

3. This application has been filed to seek the following reliefs:

"a) To issue direction upon the respondent authorities to consider representation dated 27.8.19 and 23.11.19 forthwith.

b) To issue further direction upon the respondent authorities to consider transfer posting at LLH Workshop with protection of seniority according to letter, dtd. 14.12.17 forthwith.

c) To issue further direction upon the respondent authority to consider the case of the applicants for transfer posting at seniority at Eastern Railway according to letter dated 14.12.17 forthwith.

d) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case.

e) To produce Connected Departmental Record at the time of Hearing.

f) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT Procedure (Rules), 1987."

4. Ld. Counsel for the applicant, at hearing, would submit that the applicants are Sr. Section Engineer in DLCF/Dankuni Mechanical cadre. On 19.02.2016 a memorandum was issued closing all the cadres of Mechanical Department of DLCF/Dankuni and willingness was asked from the concerned staffs to stay and work under the administration of CLW or to be repatriated to their parent cadres. Ld. Counsel submits that the applicants had never opted to come to CLW and they wanted to be withdrawn from DLCF/DKAE cadre to be transferred to Eastern

Railway at LLH Workshop with protection of seniority for which they have made a common representation vide Annexure-A/10 dated 23.11.2019, which is still pending for consideration.



5. Since, at this juncture, the specific prayer of Ld. Counsel for the applicant would be a direction to the competent authority to consider the pending representation. Accordingly, it is ordered that the representation dated 23.11.2019 (Annexure-A/10 to the O.A.) shall be considered by Respondent Nos. 3 and 4 or any other competent authority and a speaking order, in accordance with law, would be issued within a period of two months from the date of receipt of a copy of this order.

6. Respondents shall also clarify in the said speaking order whether the applicants had opted to come to CLW since Ld. Counsel for the applicants claims that the applicant had never opted to be posted at CLW.

7. We made it clear that we have not entered into the merits of the case and all the points in the representation shall be considered by the competent authority as per law.

8. O.A. is disposed of accordingly. No order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

RK