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KOLKATA BENCH, KOLKATA

O.A/350/649/2019
M.A/350/363/2019

Date of Order: 13.01.2020

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

1. Shri Baiju Yadav, son of Late Sundar Yadav, aged about 60 years, working as Diesel Mechanic Helper under Senior Section Engineer, Diesel, Sealdah, Beliaghata, Eastern Railway, Kolkata - 700010, residing at 155, R.B.C. Row, Kolkata - 700028.
2. Shri Sunil Kumar Yadav, son of Shri Baiju Yadav, aged about 30 years, by occupation - Unemployed youth, residing at 155, R.B.C. Row, Kolkata - 700028.



--Applicants

-Versus-

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, 17, N.S Road, Kolkata - 700001.
2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 7000014.
3. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 7000014.
4. The Senior Section Engineer, C&W, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 7000014.

--Respondents

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

For The Respondent(s): None

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard Ms. A. Sarkar, ld. counsel for the applicant.

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2. M.A/350/363/2019 for joint prosecution is allowed and disposed of accordingly.

3. Today when the matter was called, ld. counsel for the applicants sought for liberty to withdraw this present 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 applicant

4. Accordingly, without issuing notice, we allow the O.A to be withdrawn, giving liberty to the applicants to file comprehensive representation seeking consideration in terms of the RBE 39/2019, to the competent respondent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 applicant, within a period of 2 months from the date of receipt of such representation.

5. 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.

6. The present O.A stands disposed of as 'withdrawn' with the aforesaid liberty. No costs.

(Nandita Chatterjee)
Member (A)

ss

(Bidisha Banerjee)
Member (J)