

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/1487/2019

Date of order: 09.12.2019

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

Shri Jaladhar Sardar, son of late Shyam Sardar, aged about 50 years, working as COS/SSE/PW/BRP, Eastern Railway at Baruipur under Sealdah Division and residing at 22B, Sreepaly, D. P. Nagar, P.S. Belgharia, Kolkata- 700056.

.....Applicant.

-versus-

1. Union of India, service through the General Manager, E. Rly, Fairlie Place, 17, N. S. Road, Kol- 700001.
2. The Principal Chief Personnel Officer, E. Rly, Fairlie Place, 17, N. S. Road, Kol- 700001.
3. The Chief Medical Director, E. Rly, New Koilaghat Street, Kolkata- 700001.
4. The Sr. Divisional Personnel Officer, E. Rly. Sealdah, Kolkata- 700014.
5. Sr. DMO (G)/Sealdah, B. R. Singh Hospital, E. Rly., Kolkata- 700014.

.....Respondents.

For the Applicant : Mr. P. C. Das, Counsel
Mr. J. R. Das, Counsel

For the Respondents : Mr. N. D. Bandyopadhyay, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both the ld. Counsel.

2. It appears that the applicant is aggrieved in regard to the fact that this matter was not re-examined by the Divisional Authority as was directed by Principal Chief Personnel Officer on 20.09.2018 as contained in Annexure A-8 to the OA.

3. The applicant is also aggrieved as after his medically de-categorization, his earlier pay was not protected.

4. Since the Principal CPO has assured that the matter of the applicant will be re-examined for the ends of justice, we dispose of the OA with a direction upon the Principal CPO to place the matter before an appropriate Divisional Authority for re-examination. While doing so a personal hearing be accorded to the applicant and an appropriate order be issued within a period of 3 months from the date of receipt of the copy of this order.

5. Ld. Counsel for applicant submits that his case should be considered in the light of the judgment of **Kunal Singh vs. Union of India & Anr.** reported in 2003 SCC (L&S) 482 which he should place at the time of oral hearing for appropriate consideration, and if placed the same shall be kept in mind by while issuing the order.

6. Thus, the OA would stand disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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