

**LIBRARY**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

O.A/350/1388/2019  
M.A/350/806/2019

Date of Order: 05.02.2020

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

1. Naba Kumar Kapas, son of Late Krishna Chandra Kapas, aged about 59 years, working as Helper-I in Railway Department, residing at 1381, R.N. Tagore Road, 3<sup>rd</sup> Floor, Flat No. 6, Kolkata - 700077.
2. Md. Adbul Hakim Gazi, son of Late Adbul Mazid Gazi, aged about 58 years, working as Helper-I in Railway Department, residing at Village - Sashipur, Post Office - Kullagarh, District 24 Parganas (North), Pin - 743166.
3. Uttam Ghosh, son of Late Panchu Gopal Ghosh, aged about 59 years, working as Helper-I in Railway Department, residing at village - Bijna, Post Office - Madarpur, Via-Garia, Police Station - Bijpur, District - 24 Parganas (North), Pin 743166.

---Applicants

-VS-

1. Union of India, through the General Manager, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata - 700001.
2. Chief Personnel Officer, Eastern Railway, Kolkata, Fairlie Place, 17, N.S. Road, Kolkata - 700001.
3. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Kolkata - 700014.
4. The Workshop Personnel Officer, Kanchrapara Workshop, Eastern Railway, District: North 24 Parganas, Pin- 743145.

--Respondents

For The Applicant(s): Mr. P. Sanyal, counsel

For The Respondent(s): Ms. C. Mukherjee, counsel

**ORDER (O R A L)**

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

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

- a) An order directing the respondent authorities to cancel, withdraw and/or quash the speaking order dated 13.08.2019 passed by the respondent.
- b) An order directing the respondent authorities to consider the prescribed applications dated 23.07.2016 for ordering permanent retirement from service and in exchange to engage their sons for a Railway job as per stipulation of the Scheme on expedite basis as per judgment dated 17.06.2019 passed by the Learned Tribunal.
- c) To file and prosecute this application under Rule 4(5)(a) of the A.T (Procedure) Rules, 1987 jointly since the applicants have prayed for same and similar relief arising out same cause of action.

d) To produce all the relevant papers and documents relating to the matter before the Hon'ble Tribunal for proper adjudication.

e) Costs.

f) To pass any such further order/orders as this Hon'ble Tribunal may deem fit and proper."

2. Heard ld. counsel for both sides.

3. M.A.806/2019 for joint prosecution is allowed and disposed of accordingly.

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.

(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)