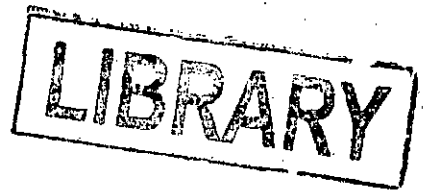


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA



O.A. 350/01673/2014

Order dated: 19.12.2019

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



1. Sri Utpal Saha,
Aged about 49 yrs.
Son of Sri Umesh Chandra Saha
Residing at Housing Complex,
Deshbandhu Nagar,
Durgapur – 713211, (West Bengal).
2. Sri Madhab Kumar Mukhopadhyay,
Aged about 52 years,
Son of Late Sunity Kumar Mukhopadhyay,
Residing at Railway Qtr. No. 123/ABC, Hospital
Coloney (Near Girja More), P.O. Asansol,
Dist. Burdwan, Pin – 713301;
3. Sri Pabitra Mandal,
Aged about 53 years,
Son of Late Panchanan Mandal,
Residing at Flat No. 03/F-01, Radhika Apartment,
Shimul Tala, 1 No. Mohishila Coloney,
Asansol – 713303.
4. Sri Subir Kumar Chakraborty,
Aged about 51 years,
Son of Sri Amarendra Nath Chakraborty,
Residing at 3B, Alingan Apartment (South),
Lower Chelidanga Road (Mother Teresa Road),
P.O. Chelidanga, Asansol – 713304;

..... Applicants.

Versus

1. The Union of India
Service through the General Manager,
Eastern Railway, 17 N.S. Road,
Kolkata - 700 001.
2. Chairman,
Railway Board, Rail Bhavan,
New Delhi – 110001.
3. The Chief Personnel Officer,
Eastern Railway, 17, N.S. Road,

Kolkata – 700001;

4. Chief Motive Power Engineer,
Eastern Railway, 17, N.S. Road,
Kolkata – 700001;

5. The Divisional Railway Manager,
Eastern Railway,
Asansol – 713301.

..... Respondents.

For the applicant : Mr. A.Chakraborty, Counsel

For the respondents : Mr. A.K.Das Gupta, Counsel

ORDER (Oral)

Bidisha Banerjee, Judicial Member

Heard Ld. Counsels for both the parties and perused the materials placed on record.

2. Claiming the following reliefs, the applicant has moved this Tribunal by filing the present O.A. under Section 19 of the A.T.Act:

"a. To quash and/or set aside the order dated 30.9.2014 passed by the Chief Personnel Officer, Eastern Railway, and communicated by Order No. E.1025/LP/9/Vol.IV/11/20/Court Case/Pt.III.

b. To direct the Respondents to include the names of the applicants in the Provisional Seniority List of Chief Loco Inspectors (Mech.) in PB-2 Rs. 9300-34800/- with Rs. 4600/- (GP) of Mechanical department, of Eastern Railway, circulated by the Chief Personnel Officer, Eastern Railway, vide his letter No.E. 1025/LP/9/Vol. IV/11/20/Court Case/Pt. II dated 22.07.2013 in compliance with Hon'ble CAT/Calcutta's order in O.A. No. 1360 of 2002 and judgment of Hon'ble High Court at Calcutta in WPCT No. 221 of 2009 and give similar benefit to the applicants at par with the applicants of the OA No. 1360 of 2002.

c. Any other relief or reliefs as the Learned Tribunal may deem fit and proper.

d. Leave may be granted to file this application jointly under Rule 4(5)(a) of CAT (Procedure) Rule 1987."



B



SECRETARY

Principal Chief Executive Officer
Eastern Railway, Ahmedabad.

Sir,

Following up of the Vice-Chief of CL/Mech/DG in Memo No. Departmental Order No. 3500167/14 dated 12.05.2014 (UOI & Ors) in connection with the vacancy of Senior Section Engineer (Mechanical) at HCL, Gandhinagar, Ahmedabad vide Memo No. 3500167/14 dated 12.05.2014.

In view of the above, it is intimated that the status of CL/Mech/DG has been approved vide Memo No. 3500167/14 dated 12.05.2014 as set out above.

In the connection your kind attention is invited to the facts that four Staff Officers Sr. Panna Mahesh, Sr. M. K. Mahapatra, Sr. S. K. Chakrabarty and Sr. Upendra Sahasrwar promoted to CL-5 designated as Group Director in the Supervisory category have been recommended for inclusion of their names in the list of CL/Mech/DG.

Since their requests were not considered they had filed an O.A. before Hon'ble CAT/Kolkata bearing no. 3500385/74 (Upendra Sahasrwar Vs U.O.I & Ors) and after directed to the respondents the then CPO/CAT had passed a reasoned speaking order which was communicated vide ref. (i) above was on the claim for seniority and inclusion in the category of Loco Inspectors (Sr. Class - D) now designated as CL/Mech/DG was not allowed in their favour being aggrieved by the decision the applicants have again filed an O.A. bearing no. 3500167/14 CATCE (Upendra Sahasrwar Vs U.O.I & Ors) which is still pending and is being dealt at HQ.


In the interim time due to shortage in CL/Mech/DG in the branch (V) department the Branch CL-5 requested for fill up the vacant posts and has been pressing hard for immediate filling up of the vacant post for smooth operation of work in Mech. (P) department which is as under:-

S.No.	Category	Sanctioned	Men On Roll	Vacancy	Remarks
1	CL/Mech	22	19 (12 + 04)	03	Considering the role (04) applicants men on roll

Since there is dispute in inclusion of the four applicants of O.A. bearing no. 3500167/14 CAT/Kolkata (Upendra Sahasrwar Vs U.O.I & Ors) as mentioned above in the category of CL-5 the assessment of Vacancies could not be done.

As a result of 2 factual position was brought to the notice of DRMA/SGN. On examining the matter DRMA/SGN has ordered to fill up the remaining vacancy considering the four applicants as on roll in the CL-5 category since they are being utilized and working as CL/Mech for the last thirteen years.

Against this back drop and in view of the fact that the matter is sub-judice and is being dealt at HQ, necessary guidance is solicited for further processing of the case for filling up the vacant post of CL/Mech/DG at divisional level please.


(A. Narasimhan)
Sr. DM, Personnel Officer,
For DM/Ahead Manager,
Eastern Railway, Ahmedabad.

4. Since, it seems that the matter is under active consideration by the respondent authorities, we dispose of the O.A. with direction to the Sr. D.P.O., E.Railways, Asansol, or any other competent authority to pass appropriate orders to ameliorate the grievance of the applicant in accordance with law. Let appropriate orders be issued within three months.

It is made clear that we have not entered into the merits of the case.

5. O.A. is accordingly disposed of. No costs.

(Bidisha Banerjee)
Member (J)

RK