

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 1632 of 2019
O.A. 1642 of 2019

Date of order: 12.12.2019

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

1. Pranoy Kumar Debnath,
S/o Late Ramani Kanta Debnath,
Aged about 48 years,
At present working as Stock Verifier
Under the overall control of Principal
Financial Advisor,
Eastern Railway, Fairlie Place
At present residing at Flat No. RJ-6, ODRC,
P.O. Sahapur,
P.S. Parnasree, Behala,
Kolkata - 700038.
2. Uday Saha,
S/o Mintu Chandra Saha,
Aged about 49 years,
At present working as Stock Verifier
Under the overall control of Principal
Financial Advisor,
Eastern Railway,
Fairlie Place
At present residing at 80/144,
Old Calcutta Road, Dangapara,
P.O. Rahara,
District North 24 Parganas,
Kolkata - 700 118.

.. Applicants

- V E R S U S -

1. Union of India
through General Manager,
Eastern Railway,
Fairlie Place,
Calcutta - 700 001.
2. Principal Financial Advisor,
Eastern Railway,
Fairlie Place,
Kolkata - 700 001.
3. Chief Administrative Officer (Stock Verification),
Eastern Railway,
Fairlie Place,
Kolkata - 700 001.

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4. Financial Advisor and Chief Accounts Officer,
(Stores & Works) Eastern Railway,
Fairlie Place,
Kolkata - 700001.

5. Sr. Assistant Financial Advisor (Admn),
Eastern Railway,
Fairlie Place,
Kolkata - 700001.

... Official Respondents

6. C.E. Tudu,
Sr. Stock Verifier
Office of WAO/Jamal PW Workshop,
Dist. Munger, Bihar, Pin 811214.

... Private Respondent
in O.A. No. 1632/2019

7. Sri A. K. Mishra,
Sr. Stock Verifier
Office of the Workshop Accounts Officer (IC),
Jamalpur Workshop,
District - Munger, Bihar, Pin - 811 214.

.... Private Respondents
in O.A. No. 1642/2019

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant in O.A. No. 1632 of 2019 has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) To set aside and quash impugned Office Order No. AS/21 dated 05.12.2019 issued by Sr. Assistant Financial Advisor/Admn., Eastern Railway, Kolkata as regard applicant is concerned.

(b) To direct the respondents to allow the applicant to function and work as Stock Verifier at Eastern Railway, at Con(HQ).

(c) To direct the respondents to repatriate the applicant to his parent department of Cash & Pay Office at Eastern Railway, Fairlie Place from where



he has been posted as Stock Verifier on exercising of option. (Relief 8c may be treated as an alternative relief to 8a and 8b above)

(d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

The applicant in O.A. No. 1642 of 2019 has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) To set aside and quash impugned Office Order No. AS/21 dated 05.12.2019 issued by Sr. Assistant Financial Advisor/Admn, Eastern Railway, Kolkata as regard applicant is concerned.

(b) To direct the respondents to allow the applicant to function and work as Stock Verifier at Eastern Railway, at HQ(OL).

(c) To direct the respondents to repatriate the applicant to his parent department of Cash & Pay Office at Eastern Railway, Liluah from where he has been posted as Stock Verifier on exercising of option. (Relief 8c may be treated as an alternative relief to 8a and 8b above)

(d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

These two O.A.s are taken up for adjudication through a common order as they involve the same set of facts as well as points of law.

2. Heard Ld. Counsel for both sides and examined documents on record. The matter is taken up at the admission stage for disposal.

3. Submissions as made in the case of applicant in O.A. No. 1632 of 2019 is that the applicant was appointed in the N.F. Railway as a Constable on 4.12.1992. He changed his department with 'no objection' and was posted as Jr. Shroff in Cash and Pay Office in APDJ on 28.6.1996. While working as Jr. A.A. at APDJ, he was transferred to Eastern Railway and was posted as Jr. Shroff on March, 2012. A notice was issued on 20.12.2016 calling for option from Gr. 'C' staff working in Cash and Pay Office to work as Ticket Collector and Accounts Stock Verifier and the applicant joined the post of Stock Verifier on 11.12.2017. On 5.12.2019, a transfer order was issued (Annexure A-3 to the O.A.) whereby the applicant was transferred from Construction (HQ) to

hsh

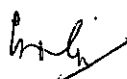
Jamalpur. The applicant represented against the same on 9.12.2019 (Annexure A-4 to the O.A.) but the same remains pending for consideration of the appropriate respondent authorities.

In the case of applicant in O.A. No. 1642 of 2019, the applicant joined as Constable in N.F. Railway on 30.9.1991, changed his department with 'NOC' and was posted as Jr. Shroff in the Cash & Pay Office in Maligaon, N.F. Railway. In March, 2012, he was transferred on his own request to Eastern Railway and posted as Jr. Shroff. Subsequently, he responded to a notice calling for option to work as Ticket Collector and Accounts Stock Verifier and thereafter joined as Stock Verifier on 11.12.2017. Vide transfer orders dated 5.12.2019 (Annexure A-3) he was transferred from Headquarters (OL) to Jamalpur. The applicant represented against the same on 9.12.2019 (Annexure A-4 to the O.A.) which is pending consideration of the respondent authorities.

Ld. Counsel for the applicants would pray that a direction be issued on the respondent authorities to dispose of their representations in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we direct the respondent No. 4, who is the Financial Advisor and Chief Accounts Officer, and, who is also the addressee of such representations, to examine and decide on such representations, if received at his end, and, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, and to convey his decision in the form of reasoned and speaking order to the applicants forthwith thereafter. Till such time the



representations are disposed of, and, if not yet released, the applicants should not be released from their current places of posting.

6. With these directions, the O.A.s are disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Blaisha Banerjee)
Judicial Member

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