

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

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No. O.A. 19 of 2020

Date of order: 20.2.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Narayan Chandra Chatterjee,  
 Son of Lt. Amaresh Chandra Chatterjee,  
 Aged about 65 years,  
 Was working as Junior Engineer T/No. 16/038 and  
 Residing at Lakhsmi Narayan Villa,  
 Srikrishna Pally,  
 P.O – Achra, Dist. Paschim Burdwan,  
 Pin Code No. 297502.

---Applicant

Versus

1. Union of India, service through General Manager,  
 Chittaranjan Locomotive Works,  
 Chittaranjan,  
 Dist.: Burdwan,  
 Pin 713331.
2. General Manager,  
 Chittaranjan Locomotive Works,  
 Chittaranjan,  
 Dist.: Burdwan,  
 Pin 713331.
3. Chief Personnel Officer,  
 Chittaranjan Locomotive Works,  
 Chittaranjan,  
 Dist. – Burdwan,  
 Pin 713331.
4. Deputy Chief Personnel Officer (W)/CPIO,  
 Chittaranjan Locomotive Works,  
 Chittaranjan,  
 Dist.: Burdwan,  
 Pin 713331.
5. Deputy Chief Personnel Officer (Admin),  
 Chittaranjan Locomotive Works,  
 Chittaranjan,  
 Dist.: Burdwan,

*lrbh*

Pin 713331.

6. Senior Personnel Officer (W)/Mech,  
Chittaranjan Locomotive Works,  
Chittaranjan,  
Dist.: Burdwan,  
Pin 713331.

7. Senior Personnel Officer (Elect.),  
Chittaranjan Locomotive Works,  
Chittaranjan,  
Dist.: Burdwan,  
Pin 713331.

--Respondents

8. Sri. B. P. Banerjee T/No. 16/625,  
Son of Lt. Indu Bhushan Banerjee,  
Was working as JE in Chittaranjan Locomotive Works,  
Chittaranjan and residing at Bishnu Apartment,  
Mahabir Colony, P.O Rupnarayanpur Bazar,  
Burdwan,  
Pin Code No. 713331.

--Private Respondent

For the Applicant : Mr. A.K. Banerjee, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

**O R D E R (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) An order do issue directing the respondents to issue office order on re-fixing his seniority above the private respondents and give effect of his promotion and seniority when his junior got promotion.
- (b) An order do issue directing the respondents to give promotion on the basis of the order passed CPO on 10.2.2014 in the note sheet.
- (c) An order directing the respondents to produce/cause production of all relevant records.
- (d) An order directing the respondents to consider the representation dated 24.5.2019.
- (e) Any other order or further order/orders as to this Hon'ble may deem fit and proper."

*lwh*

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at admission stage.
3. Ld. Counsel for the applicant would submit that the applicant was appointed as Fitter Grade III in the scale of Rs. 110-180/- under direct recruitment quota after undergoing his Trade Apprentice training w.e.f. 8.3.1969 to 1972 and was posted at CLW. Merit-wise, his seniority position was at Srl. No. 8, whereas, the seniority position of one B.P. Banerjee (proforma respondent No. 8) was at seniority position No.13. The applicant was promoted to the post of Material Examiner w.e.f. 27.1.1982.



When the applicant's turn came to be considered for promotion to the post of High Skilled Grade II Mechanic/Fitter, he had to appear in a trade test to confirm his suitability, but he was not released from the post of Material Examiner. Subsequently also, when his turn came for promotion to the post of High Skilled Gr. I/Fitter Gr. I he asked to appear at the suitability trade test, but, he was once again retained in the post of Material Examiner. Ultimately, he was promoted w.e.f. 21.10.89 on proforma basis.

Respondent No. 8, however, who was junior to him in the seniority list was promoted on 31.12.1998, whereas the applicant was promoted on 21.10.89. Consequent to his promotion at a delayed date subjected the applicant to financial loss, which has culminated in his drawing less pension than his entitlement.

As his representations met with no effect, the applicant obtained suitable information through RTI and thereafter appealed to the CPO. The CPO passed an order that the applicant was indeed entitled for promotion in the parent cadre from the date of promotion of his juniors.

*hsl*

No office orders, however, were issued in compliance of the orders of the CPO.

Hence, being aggrieved with such inaction, the applicant had preferred representations dated 31.8.2018 (Annexure A-10 to the O.A.) and that dated 24.5.2019 (Annexure A-3 to the O.A.), which remain pending for disposal.

4. Both Ld. Counsel would agree that this matter may be disposed of by directing the respondent No. 3 or any other competent respondent authority to decide on the representations of the applicant at Annexures A-10 and A-3 to the O.A. in accordance with law.

5. Accordingly, the respondent No. 3, or any other competent respondent authority, is directed to examine the contents of such representations, (if received), especially in the light of CPO's orders as annexed at A-11 to the O.A. and to pass a reasoned order, in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

Such decision should be conveyed to the applicant in the form of reasoned and speaking order forthwith thereafter.

6. The O.A. is disposed of with the above directions. No costs.

*[Signature]*  
 (Dr. Nandita Chatterjee)  
 Administrative Member

SP