

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00601/2020
M.A. 350/00361/2020

Date of order: 16.9.2020

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

1. Shri Dipak Laskar,
Trolleyman/Trackman-IV,
Working under Senior Sectional Engineer/P.Way/
Dalkhola/N.F. Railway,
Residing at Dalkhola Rly. Colony Qrs. No. 14/CON-A,
P.O. & P.S. – Dalkhola,
Dist.- Uttar Dinajpur,
Pin – 733 201.
2. Tubai Laskar,
S/o. Dipak Laskar,
Aged about 23 years,
Residing at Dalkhola Rly. Colony Qrs. No. 14/CON-A,
P.O. & P.S. – Dalkhola,
Dist.- Uttar Dinajpur,
Pin – 733 201.

.... Applicants

- V E R S U S -

1. Union of India,
Through General Manager,
North East Frontier,
Railway Maligaon (Assam),
Pin – 781011.
2. Chief Personnel Officer,
N.F. Railway,
Maligaon (Assam) – 781011.
3. Divisional Railway Manager,
N.F. Railway,
Katihar (Bihar) – 854105.
4. Divisional Personnel Officer,
N.F. Railway,
Katihar (Bihar) – 854105.

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.... Respondents

For the Applicants : Mr. A.K. Paul, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. R.K. Sharma, Standing Counsel
Ms. D. Ghosh Dastidar, Counsel

ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants have approached this Tribunal in second stage litigation under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(i) Order do issue directing upon the respondents to consider the representation dated 16.02.2020.
- (ii) Order do issue directing upon the respondents to consider the Advocate's legal notice dated 20.3.2020.
- (iii) The applicant humbly prays that letter dated 16.2.2020 address to General Manager/N.F. Railway/Maligaon and other respondents for appointment to his eligible child under LARSGESS Scheme applied in the year 2017 without any further delayed. In the light of pending appointment by KIR Division to my applicant wards has been restored by Rly. Board.
- (iv) Pass any order/orders as your Lordships may deem fit and proper."

2. Heard both Ld Counsel, examined documents on record. The matter is disposed of at the admission stage.

3. An M.A. bearing No. 350/00361/2020 has been preferred praying for liberty for jointly pursuing this Original Application. As the applicants share a common cause of action, common grievances as well as commonality of interest, liberty for joint prosecution is granted under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

The M.A. is disposed of accordingly, subject to payment of individual court fees.

4. The submissions of applicant No. 1, as canvassed through his Ld. Counsel, is that, he is a Trolleyman/Trackman-IV working with the Office of Senior Sectional Engineer/P.Way/Dalkhola/N.F. Railway. The applicant

had applied for Voluntary Retirement under LARSGESS Scheme based on the notification for eligibility of wards for the year 2017.

According to the applicant, although the Railway Board had issued a notification on 12.7.2019 (Annexure A-1 to the O.A.) on the subject matter of disposal of representations submitted for employment under LARSGESS Scheme in the light of Apex Court's orders in WP (C) No. 219/2019 and 448/2019, his representations were not considered.

Hence, being aggrieved with non-consideration of his representations, the applicants had approached this Tribunal in an earlier O.A., consequent to which, and, in compliance to the directions thereon, had represented before the appropriate authority but as such representations have not merited any consideration from the respondent authorities, and, being further aggrieved, the applicants have approached this Tribunal in the instant O.A.

5. Ld. Counsel for the applicant would urge that directions may be issued to the respondent authorities to decide on the pending representation in a time bound manner.

6. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law.

7. Accordingly without entering into the merits of the matter, and, with the consent of the parties, we would hereby direct the addressee respondent authority or any other competent authority to decide on the applicants' representation at Annexure A-4 to the O.A., if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The concerned authority should decide in accordance with law, and, convey his decision in the form of a reasoned and speaking order to the applicant forthwith thereafter.

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In case of a favourable decision, consequent actions may be taken within a further period of 10 weeks therefrom.

8. With these directions, the O.A. is disposed of. No costs.

M.A. bearing No. 350/00361/2020 is disposed of subject to payment of individual court fees by the applicants.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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