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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. No.350/00761/2020.

Date of order : This the 12th Day of October, 2020.

Hon'ble Mrs. Bidisha Banerjee, Judicial Member

Hon'ble Mr Tarun Shridhar, Administrative Member



Vinay Prasad
S/o Late Subhash Chandra Prasad
Working as loco pilot goods
Under Senior Section Engineer
Loco Alipurduar Junction and
Residing at Dhanpura
P.O. Madhodih
Dist. Mungar,
Bihar - 813221.

..... Applicant.

By Advocate : Mr N. Roy.

-Versus-

1. Union of India
Through the General Manager,
North Eastern Railway,
Maligao Guwahati,
Assam - 781011.
2. Chief Personnel Officer,
N. F. Railway,
Maligao Guwahati,
Assam - 781011
3. Divisional Personnel Officer,
N. F. Railway,
Katihar Bihar - 813221.
4. Senior Divisional Personal Officer
N. F. Railway
Alipurduar Junction - 736123.

..... Respondents.

By Advocate : Ms S. Choudhury.

Ms Bidisha Banerjee, Member(J)

The applicant has preferred this O.A to seek the following reliefs :

- "a) To issue direction upon the respondent authorities, representations dated 3.7.19 and 24.09.19 and promotional benefit to the applicants forthwith.
- b) To issue further direction upon the respondent authorities to consider the promotional benefit according to seniority where the private respondent, namely Sri Amitava Pal, junior is considered seniority along-with promotional benefit. Applicants are senior to Sri Amitava Pal and promotion may be considered as on 01.04.2015 forthwith.
- c) Any other order or further order or orders as your Learned Tribunal deem fit and proper under the circumstances of the case.
- d) To produce Connected Departmental Record at the time of Hearing"

2. According to the applicant a provisional part panel for the post of Assistant Loco Pilot, Category No.18 of Employment Notice No.2/2017 was published on 28.01.2008 wherein applicant's name figured against Sl. No.8 while that of his junior Shri Amitava Pal, figured against Sl.No.43. On the basis of that part panel a provisional seniority list as on 01.04.2015 was published where the name of Shri Amitava Pal, who was much junior to applicant Shri Vinay Prasad, figured at Sl.No.2, while the applicant figured at Sl.No.40. According to the applicant appointment letter was issued after a lapse of 5 months from the date of issuance of G.M's letter dated 19.06.2008. He submitted representations on 03.04.2019 and 24.09.2019 against the illegal and arbitrary assignment of seniority to Sri Amitava Pal over and above him, with a prayer to re-assign/ correct his seniority in the grade of Senior Assistant Loco Pilot as on 01.04.2015. As it failed to elicit a response he has approached this Tribunal seeking the aforesaid reliefs.

3. We heard Ld. counsels for the applicant and Ld. Counsel for the respondents and examined documents on record. The matter was taken up for disposal at the admission stage.

4. As it seemed that the representations of the applicant is still pending consideration and no final order is under challenge, we propose to dispose the



present O.A. Accordingly without entering into the merits of the matter, we direct the concerned respondent authorities to dispose of the pending representations dated 03.04.2019 and 24.09.2019 as contained in Annexure A-3 and A-4 respectively, in accordance with law within a period of two months from the date of receipt of a copy of this order and to communicate its decision in the form of a speaking and reasoned order to the applicant immediately thereafter.



With these directions, the O.A stands disposed of. No order as to costs.

(TARUN SHRIDHAR)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)