

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00434/2020

Date of order: 26.6.2020

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

Niamatullah Shaikh,
 S/o. Manik Shaikh,
 Aged about 52 years,
 Working as Track Maintainter Gr-II
 Under the overall control of the Divisional Railway Manager,
 Eastern Railway, Malda,
 At present residing at
 Village & Post Nabagram Hospital Road,
 P.S. Nabagram,
 Dist. Murshidabad,
 Pin - 742 184.

.... Applicant

VERSUS -

1. Union of India,
 Through the General Manager,
 Eastern Railway,
 Fairlie Place,
 Kolkata - 700 001.
2. Divisional Railway Manager,
 Eastern Railway,
 Malda.
3. Senior Divisional Personnel Officer,
 Eastern Railway,
 Malda.
4. Senior Divisional Engineer (Co-ord.),
 Eastern Railway,
 Malda.

... Respondents

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

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

Aggrieved at non-receipt of promotion in Grade Pay of Rs. 2800/-, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) To direct respondents to cause them to act in terms of the directives as contained in RBE No. 91/2012 and 33/2014 and to grant promotion to the applicant to the post of Track Maintainer Gr.-I in G.P. of Rs. 2800/- with all consequential benefits.
 (b) Any other order or orders as the orders as the Hon'ble Tribunal deems fit and proper."

2. Heard both ld. Counsel, examined documents. The matter is taken up for disposal at the admission stage.
3. The submissions of the applicant, in brief is that the applicant was appointed as a Trackman in the Malda Division of Eastern Railway on 13.7.2011. On 5.9.2015, the applicant was promoted as Track Maintainer Gr. III. On 29.8.2017, a seniority list of Track Maintainer I to IV was issued followed by an Office Order dated 4.2.2019 in which posting orders were issued for Track Maintainer Gr. II and Track Maintainer Gr. III respectively.

The grievance of the applicant is that although he was found suitable for promotion to the post of Track Maintainer Gr. II in the Grade Pay of Rs. 2400/-, the restructuring policy has not been followed as envisaged, and, hence, the applicant was deprived of promotion to the post of Track Maintainer Gr. II in the Grade Pay of Rs. 2400/- . The applicant is further aggrieved that his representations in this regard remains pending for consideration, and, hence this O.A.

4. Ld. Counsel for the applicant would urge that this matter may be disposed of by directing the respondent authorities to decide on the representations in a time bound manner.

Ld. Counsel for the respondents would contend that the representations have been disposed of, which, ld. Counsel for applicant would controvert in submitting that the applicant is yet to receive any response from the authorities.

[Signature]

5. Hence, in the interest of justice, and, without entering into the merits of the matter, we hereby direct the respondent No. 3, who is the Senior Divisional Personnel Officer, Eastern Railway, Malda, or any other competent authority, to examine and decide on the contents of the representation at Annexure A-7 to the O.A. within a period of 12 weeks from the date of receipt of a copy of this order. The authority shall decide in accordance with law, and, thereafter, convey his decision in the form of a reasoned and speaking order to the applicant.

In case, however, the representations have been disposed of, the respondents will take steps to communicate their decision forthwith to the applicant.

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



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP