

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

LIBRARY

O.A. No.350/00198/2020.

Date of order : This the 10th Day of December, 2020.

Hon'ble Ms Bidisha Banerjee, Judicial Member

Hon'ble Mr Tarun Shridhar, Administrative Member



1. Sri Natwar Kumar Sah,
Sri Sitaram Sah,
Working as Loco Pilot Goods
Under SSE Loco APDJ,
Presently residing at Rly. Quarter No. 1137/B
D S Colony, Alipurduar Jn.
Dist. - Alipurduar
And permanently residing at Kumhartola,
P.O. + P.S. - Tarapur,
Dist. - Munger, Bihar - 813 221.
2. Sri VINAY PRASAD,
Son of Lt. Subhash Chandra,
Working as Loco Pilot Goods
Under Senior Section Engineer/ Loco APDJ,
Residing at Dhanpura, P.O. - Madhodi,
Dist. : - Munger, Bihar, Pin - 813 221.
3. SRI SUBAL PAL,
Son of Sunil Pal,
Working as Loco Pilot Goods,
Under Senior Section Engineer Loco APDJ,
Residing at Vill - Gobindapur Colony,
P.O. - Hanskhali,
Dist. - Nadia, W.B. Pin - 741 505.
4. SRI SANJOY ADHIKARI,
Son of Lt. Purna Chandra Adhikari,
Working as Loco Pilot Goods,
Under Senior Section Engineer/Loco APDJ,
Permanently residing at 1/G K.L. Goswami Sarani,
P.O. : Mahesh, P.S.P - Serampore,
District - Hooghly, Pin - 712 202.
5. SRI ABHIJIT SHARMA,
Son of Lt. Nani Gopal Sharma,
Working as Loco Pilot Goods,
Under Senior Section Engineer/Loco APDJ,
Permanently residing at 32, Kanchari Bari Road,

[Signature]

P.O. : Kanchrapara,
District – 24-Parganas (North), Pin – 743 145, W.B.

6. SRI ANIL KUMAR SHARMA,
Son of Sri Uchit Lal Sharma,
Working as Loco Pilot Goods,
Under Senior Section Engineer/Loco APDJ,
Permanently residing at Vill. + P.O. - Bhawanipur,
Thanaranga Chowk,
District – Bhagalpur, Pin – 853 204, Bihar.

7. SRI ARUNAVA MITRA,
Son of Lt. Tushar Kanti Mitra,
Working as Loco Pilot Goods,
Under Senior Section Engineer/Loco APDJ,
Permanently residing at South Bankimpally,
Madhyamgram,
District – North 24-Parganas ,
Kolkata – 700 129..

..... Applicants.

By Advocate Mr N.Roy.

-Versus-

1. Union of India
Through the General Manager,
North East Frontier Railway,
Maligaon, Guwahati-781011.
2. The Chief Personnel Officer,
North East Frontier Railway,
Maligaon, Guwahati-781011.
3. The Divisional Railway Manager,
North East Frontier Railway,
Katihar, Bihar Pin 813221.
4. Senior Divisional Personnel Officer,
North East Frontier Railway,
Katihar, Bihar Pin 813221.

.....Respondents

By Advocate Ms D. Nag.

ORDER (ORAL)

Mr Tarun Shridhar, Member(A)

The applicant No.1 is aggrieved on account of denial of the benefit of promotion seeks following reliefs by virtue of this O.A. Vide order dated 06.03.2020, the O.A. has been confined to this single applicant.

[Signature]

"8.(a) To issue direction upon the respondent authorities, representations dateds 3.7.19 and 24.09.19 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. Applicant's contention is that when the provisional panel for the post of Assistant Loco Pilot was formed the candidates junior to them in the seniority list were included in the panel, while his name stood excluded. He further contends that he fulfils all the eligibility criteria and hence denial of promotional benefit has caused irreparable harm.

3. Since at this stage the primary relief sought by the applicant is a decision on the representation he has made in this regard to the respondents, little purpose would be served to continue with this O.A, which can be disposed of by way of direction to the respondents to take a considered decision on the representations made by the applicant dated 03.07.2019 and 24.09.2019 expeditiously, in any case not later than a period of 2 months from the date of receipt of a copy of this order. While taking the decision on the representation, the appropriate authority amongst the respondents shall pass a detailed reasoned and speaking order.

4. O.A is accordingly disposed of. No order as to costs.

(MR TARUN SHRIDHAR)
MEMBER (A)

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(BIDISHA BANERJEE)
MEMBER (J)