

LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**O.A. No.350/00897/2020.
M.A. Nos. 496 & 497/2020Date of order : This the 27th Day of November, 2020.**Hon'ble Mrs. Bidisha Banerjee, Judicial Member**
Hon'ble Mr Tarun Shridhar, Administrative Member

1. Gautam Sardar,
Son of Sri Niranjana Kumar Sardar,
Aged about 54 years,
Residing at Qtr. No. 443/A, Barrack Colony
(Near Railway Stadium), Jhaljhalia,
Malda - 732102,
Working as SSE/Sig./Drg under Sr. DSTE/E.
Rly OMLDT, at Malda under Eastern Railway;
2. Purnima Sardar,
Wife of Gautam Sardar,
Aged about 52 years,
Residing at Qtr. No. 1/B, Street No. 20
Chittaranjan Locomotives Works, Chittaranjan,
Burdwan, Pin 713331;

..... Applicants.

By Advocate Mr B. Bhusan

-Versus-

1. Union of India
Represented by the Secretary,
Ministry of Railway,
Rail Bhawan,
New Delhi, Pin - 110001.
2. The General Manager,
Chittaranjan Locomotives Works,
P.O. & P.S. Chittaranjan,
District - Paschim Burdwan,
Pin - 713331;
3. The Chief Personnel Officer,
Chittaranjan Locomotives Works,
P.O. & P.S. Chittaranjan,
District - Paschim Burdwan,
Pin - 713331;

4. The General Manager,
Eastern Railway,
Fairley Place,
Kolkata - 700001.
5. The Principal Chief Personnel Officer,
Eastern Railway,
Fairley Place,
Kolkata - 700001.
6. The Divisional Railway Manager,
Eastern Railway, Malda,
Malda - 732102.

.....Respondents.

By Advocate Ms C. Mukherjee & Mr T. Bhanja.

ORDER(ORAL)

Ms Bidisha Banerjee, Member(J)

The applicant in this O.A has assailed the order dated 13.02.2017 whereby and where under his prayer for inter Railway transfer from Malda to CLW/Chittaranjan on spouse ground has been rejected. The impugned order is extracted herein below for clarify.

"INDIAN RAILWAYS
CHITTARANJAN LOCOMOTIVE WORKS
CHITTARANJAN - 713331 (West Bengal)

No. GMA/E-VII/IRT/Elect(GS/13/B-5

dated: 13-02-

2017

Gautam Sardar
SSE/SIG/DRG
Under Sr. DSTE/E. Rly/Malda

Sub: Inter Rly Transfer(own request) from Malda to
CLW/Chittaranjan on Spouse Ground.
Ref: Your appeal dtd. 04.12.2016.

In terms of CAT/Kol's order dtd. 01.06.2016 under O/A No. 350/01582/2014 (in the matter of Gautam Sardar & Ors Vs UOI & others) the competent authority has examined all pros and cons and decided your case sympathetically and arrived at conclusion to offer you the post of Tech Gr. III according to your educational qualification i.e. I.T.I (Daruhtsman/Mechanical) because you lack the requisite qualification for DR quota vacancy of JE II.

If you are willing and interested to accept the post of Tech Gr. III in CLW/CRJ, your option in this regard may be submitted to this office option for taking further course of action.

Sd/-
(Ashish Sachan)
Senior Personnel Officer (Admn.)
For Chief Personnel Officer"

2. The applicant prays for condonation of delay in preferring this application after a considerable delay of almost 3 years, on the following grounds :



"9. The applicants state that due to aforesaid facts and circumstances, the applicant failed to challenge the impugned order dated 13.02.2017 within the limitation period of one year that expired on 12.02.2018.

10. That the applicants suffer delay of approx two years seven months including the pendency of contempt application as well as prevailing pandemic situation, the delay suffered without any laches on the part of the applicants."

3. In view of the fact that the respondents have rejected his prayer way back in February 2017 on the ground that he lacks the requisite qualification for DR quota vacancy of JE II, and the delay in preferring this application is not explained in an appropriate way, we are of the considered opinion that the delay does not deserve to be condoned. Accordingly, we dismiss the O.A on the ground of delay.
4. Ld.counsel for the applicant would seek liberty to prefer a representation for his transfer on spouse ground against an appropriate vacancy, which goes without saying as always available to him.
5. O.A is accordingly dismissed. No order as to costs.
6. M.As are also disposed of accordingly.

(MR. TARUN SHRIDHAR)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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