

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



No. O.A. 350/01243/2021

Date of order: 26.8.2021

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

Vipul Kumar Mishra,
S/o Basist Kumar Mishra,
Working as Telephone Attendant
cum Dak Khalasi, Eastern Railway
Calcutta
and residing at Railway Quarter No. 223/A
Kaiser Street, Calcutta – 700009
And present address C/o Sri S.M. Tiwari,
Railway Quarter No. 77/H-Kaiser Street,
Calcutta – 700 009.

..... Applicant.

Versus

1. Union of India,
through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
2. The Director,
1&L/RDSO, 3 Koilaghat,
Eastern Railway,
Kolkata – 700 001.
3. Executive Director,
1&L/RDSO, 3 Koilaghat,
Eastern Railway,
Kolkata – 700 001.

..... Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

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O R D E R (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

Aggrieved with the fact that he has not been allowed to rejoin his duties, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "a. To issue direction upon the respondent to consider the representation dated 5.5.2021 for joining duty forthwith.
- b. To issue direction upon the respondent to allow the applicant resume duty forthwith.
- c. To issue direction upon the respondent to give continuously duty to the applicant forthwith.
- d. Any other order or further order or orders has learned Tribunal deem fit and proper.
- e. To produce Connected Departmental Record at the time of hearing."



2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant was working as a Telephone Attendant cum Dak Khāṣī on 19.3.2019, and, that, after he had continuously served for 120 days, the applicant was granted temporary status on 3.9.2019 (Annexure A-2 to the O.A.).

The applicant would claim that he has been working continuously upto February, 2021, but thereafter, he was not given any duties, and, accordingly, he made a prayer on 5.5.2021 to allow him to rejoin his duties without further delay (Annexure A-11 to the O.A.).

As the respondent authorities did not permit him to rejoin despite such representation, being aggrieved, the applicant has approached this Tribunal praying for the aforementioned relief.

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4. Ld. Counsel for the respondents, by way of instructions, would argue as follows:-

(i) The applicant has been absenting from his duties for a long period. He was absconding until his reappearance on 11.4.2019 and prayed for permission to rejoin his duties. He was permitted to rejoin his duties w.e.f. 6.5.2019.

(ii) That, the applicant has neither been advised to refrain from duties nor has been denied rejoining of his duties by the respondent authorities.

(iii) That, whenever the applicant reports for duty, his matter of rejoining would be considered by the authorities as per extant rules.

5. Accordingly, without entering into the merits of the matter, we would dispose of this Original Application, by directing the addressee respondent authority or the competent respondent authority to consider the prayer of the applicant dated 5.5.2021 at Annexure A-11 to the O.A., and, to issue specific directions on rejoining of his duties if permissible as per extant rules.

Ld. Counsel for the applicant would also submit that the applicant has not received any salary after February, 2021. Hence, the respondent authorities will also decide on the applicant's entitlements post February, 2021 and issue appropriate orders as per Rules.

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


(Dr. Nandita Chatterjee)
Administrative Member
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(Bidisha Banerjee)
Judicial Member

