

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/108/2021

Date of Order: 08.02.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Sri Promod Kumar Gond, s/o Srikrishna Kumar Gond,
residing at 46/1A, N.S. Road, Rishra, P.O-Rishra,
Dist. Hooghly, Pin 712248.

..... Applicant.

-Versus-

1. Union of India, through the General Manager,
Eastern Railway, 17, N.S. Road,
Kolkata – 700 001.
2. The General Manager,
Chittaranjan Locomotive Works,
Chittaranjan, Bardhaman, Pin – 713331.
3. The Principle Chief Personnel Officer,
Eastern Railway, Fairlie Place,
Kolkata – 700001.
4. The Principle Chief Personnel Officer,
Chittaranjan Locomotive Works,
Chittaranjan, Bardhaman, Pin – 713331.

..... Respondents.

For The Applicant(s): Mr. N. Roy, counsel

For The Respondent(s): Mr. K. Sarkar, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. The applicant has sought for the following reliefs:

“a) to issue direction upon the respondent to consider representations dtds. 05.02.2018, 08.01.2018 & 22.12.2019 for option to stay at nearby closed cadre workshop with protection of seniority and pay under control of GM/E.Rly.

b) To issue further direction upon the respondent to give option of the employee to be unwilling to stay in new cadre in mechanical department G.M/CLW instead of G.M/E/Rly forthwith.

c) To issue further direction upon the respondent according to Master Circular 24, the respondent authority may consider prayer of the applicant not to change administrative control on GM/CLW instated of G.M/E. Rly forthwith

d) To issue further direction upon the respondent to give option of the employee to stay either under GM/E Rly or GM/CLW, according to prayer of the applicant.

f) Any other or further order or orders has learned Tribunal deem fit and proper.

g) To produce concerned Departmental Record at the time of hearing."

3. Ld. counsel for the applicant would submit that the applicant is aggrieved as his prayer to go back to his parent cadre has not found favour with the authorities. He would further submit that his client would be satisfied with a direction to the competent authority to consider his pending representations dated 15.10.19. 22.12.2019 (Annexure A-9 collectively), in a time bound manner.

4. Ld. counsel for the respondents would vociferously oppose such prayer and seek time to file reply.

5. We note that no adverse order is under challenge and seeking identical relief, the applicant has already preferred a representations dated 15.10.19 and 22.12.2019 to the Respondent authorities which is yet to be disposed of. As no fruitful purpose would be served by calling for a reply in this matter, unless the representations is decided by the competent authority, we dispose of the OA with a direction upon the competent authority to consider the representations, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 3 months from the date of receipt of copy of this order. In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.



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6. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration

7. The OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss

