CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/1243/2020 Date of Order: 14.12.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Sri Prosenjit Ghosh,
S/o Sri Sujit Kumar Ghosh,
Residing at 4D Kambuliatola Lane,
Kolkata – 700005.

..... 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. A. Ganguly, counsel

Mr. K. Sarkar, counsel

ORDER (ORAL)

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

Heard ld. counsel for both sides.

2. This OA has been preferred to seek the following reliefs:

"8.a) To issue direction upon the respondent to consider representations dtds. 05.02.2018, 08.01.2018 & 22.10.2020 for option to stay at nearby closed cadre workshop with protection of seniority & 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 G.M./CLW. instead 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 G.M./CLW. according to prayer of the applicant.

e) To produce Concerned Departmental record at the time of Hearing.

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

3. At the outset 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, 22.10.20 and 18.10.2020 (Annexure A-9 collectively), in a time bound manner.

4. Ld. counsel for the respondents did not have any objection with a direction to the authorities to consider the representations, in accordance with law.

5. Since no adverse order is under challenge and the applicant is seeking consideration of his representations, which are stated to be pending before the authorities, I am of the considered opinion that no fruitful purpose would be served by calling for a reply in this matter unless the pending representation is decided by the competent authority.

6. Accordingly, with the consent of both parties, I dispose of this O.A with a direction upon the competent authority to consider the representations, supra, and decide the claim of the applicant in accordance with law within a period of 2 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 a speaking order be issued.

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

8. This OA accordingly stands disposed of. No costs.

(Bidisha Banerjee)
Member (J)

SS