

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



Date of order: 04.02.2021

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

OA. 350/1388/2020 Fatik Shaikh, S/o Soleman Shaikh, aged about 42 years, working as Track Maintainer Gr-II Under the overall control of the Divisional Railway Manager, Eastern Railway, Malda, At present residing at Vill- Prosadpur, P.O. Raghunathpur, P.S. Suti, Dist- Murshidabad, Pin- 742223.

OA. 350/1389/2020 Niamatullah Shaikh, S/o Manik Shaikh, aged about 52 years, working as Track Maintainer Gr. II under the overall control of the Divisional Railway Manager, Eastern Railway, Malda, at present residing at Vill & P.O. Nabagram Hospital Road, P.S. Nabagram, Dist- Murshidabad, Pin- 742184.

.....Applicant

-versus-

1. Union of India, through the General Manager, Eastern Railway, Fairlie Place, Kolkata- 700001.
2. Divisional Railway Manager, Eastern Railway, Malda.
3. Senior Divisional Personnel Officer, Eastern Railway, Malda.
4. Senior Divisional Engineer (Cord), Eastern Railway, Malda.

.....Respondents



For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Id. counsels for both parties.

2. These applications have been filed by the applicants to seek the following relief:

"8(a) To direct respondents to cause them to act in terms of the directives as contained in RBE No. 91/2012 and 33/2014 and to grant promotion to the applicant to the post of Track Maintainer Gr. II in G. P. of Rs. 2800/- with all consequential benefits.

(b) To set aside and quash impugned Speaking order dated 05.11.2020 issued by the Sr. Divisional Engineer (Cord), Eastern Railway, Malda (Respondent no. 4) as communicated vide letter dated 05.11.2020.

(c) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

3. The speaking order dated 05.11.2020 is under challenge and reads as



under:

"1.0. In OA. 433 & 434 of 2020, the Hon'ble CAT, Kolkata Bench vide order dated 26.06.2020 directed that "the respondent no. 3 of aforesaid OA No. 433 & 434 of 2020 (i.e. Sr. Divisional Personnel Officer, Eastern Railway, Malda) or any other competent authority shall consider and decide on the contents of the representation of the applicant within a time frame of 12 weeks from the date of receipt of copy of this order." For that purpose, the Hon'ble Tribunal also directed the authority shall decide in accordance with law and order convey his decision in the form of a reasoned and speaking order to the applicant.

2.0. The both applicant of the OAs as mentioned Md. Fatik Shaikh and Niamatullah Shaikh presently working as capacity of Track Maintainer Gr. II under establishment control of Sr. Section Engineer/P Way/DGLE at NFK on upgradation during revision percentage of Track Maintainer in terms of Railway Board's letter no. 2015/CE-I/GNS/2 dt. 08.03.2019 and RB No. 44/2018. The grievance of the applicant regarding deprived of upgradation to the post Track Maintainer Gr. II in the grade pay of Rs. 2400 is not stand as grievance pray to the Hon'ble Tribunal by the applicant.

3.0. The applicants submitted their appeal before move to the Hon'ble Tribunal not given to the proper authority. Resulting response yet been communicated regard their grievance.

4.0. On conclusion of the subject pray to the Hon'ble Tribunal (CAT/CAL) it is stands that the applicants Original Application is baseless and pray for reject by the Hon'ble Tribunal (CAT/CAL).

Thus the matter stands disposed off.

4. Ld. Counsel for respondents seeks liberty to file their reply in the matter but we noticed that no fruitful purpose would be served in calling for a reply in this matter.

5. Since reason is the heart beat of every conclusion, we quash the speaking order dated 05.11.2020 and remand back the matter to the same authority for passing a reasoned and speaking order to justify as to why the applicants would not be entitled the benefits of RBE No. 91/2012 and 33/2014, within a period of 3 months from the date of receipt of a copy of this order and communicate the decision to the applicants thereafter.

6. Thus, the OAs would stand disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)



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(Bidisha Banerjee)
Member (J)