

8.1.2021

O.A.350/1435/2020
M.A.350/715/2020

LIBRARY

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

1. Sourav Bikash Hui, S/o Late Swapan Kumar Hui, aged about 42 years, at present residing at Vill. - Hariharpur, P.O. - Balichak, P.S. - Debra, District - Paschim Medinipur, Pin - 721124, West Bengal.
2. Santimoy Ghosh, Son of Bhakti Bhusan Ghosh, aged about 33 years, at present residing at Vill. - Kanaidanga, P.O. - Bhagabatipur, P.S. - Chanditalai, Hooghly, Pin - 712701, West Bengal.
3. Pranotosh Dutta, Son of Samiran Dutta, aged about 37 years, at present residing at Parivar Redbrick, Flat No. 309, 2nd Floor, 27, Shibtala Street, P.O. Bhadrakali, P.S. - Uttarpara, District - Hooghly, Pin - 712232.
4. Pushpal Barua, Son of Badal Kumar Barua, aged about 35 years, at present residing at 24/2/2A, Ram Krishna Sarani, Behala, Kolkata - 700060.
5. Satish Kumar Sriwastwa, Son of Dwarika Lal Sriwastwa, aged about 35 years, at present residing at Railway Quarter No. 95C, Dankuni, Hooghly, Pin - 712311, West Bengal.
6. Subrata Das, Son of Sri Kartick Das, aged about 35 years, at present residing at Lalbagan, Baidyapota Ananta Pandit Lane, P.O. & P.S. - Chandan Nagar, Hooghly, Pin - 712136, West Bengal.
7. Sisir Sil, Son of Swapan Sil, aged about 30 years, at present residing at Vill. - Rajbalhat Uttarpara, P.O. - Rajbalhat, Hooghly, Pin - 712408, West Bengal.

8. Raghab Chandra Rana, Son of Ananda Mohan Rana, aged about 35 years, at present residing at Vill. - Banshi, P.O. Machatora, Bankura, Pin - 722151.
9. Debasis Paramanik, Son of Uday Paramanik, aged about 33 years, at present residing at Bally North, Ghoshpara (Napit Para), P.O. - Ghoshpara, Howrah, Pin - 711227.
10. Md. Sarafat Ali Mandal, Son of Md. Yacchin Ali Mandal, aged about 33 years, at present residing at Vill. - West Dandirhat, P.O. - Dandirhat, Basirhat, District - North 24 Parganas, Pin - 743413, West Bengal.
11. Bikash Nayak, Son of Late Sukamal Nayak, aged about 26 years, at present residing at Vill. - Bhadreswar, P.O. - Telinipara, Hooghly, Pin - 712125, West Bengal.
12. Rajkumar Pain, Son of Sahadev Pain, aged about 31 years, at present residing at Vill. - Bhuta, P.O. - Bhuta, P.S. - Daspur, District - Paschim Medinipur, Pin - 721211, West Bengal.
13. Tanmoy Ghosh, Son of Anil Kumar Ghosh, aged about 30 years, at present residing at Vill. - Bamihati, P.O. - Jasure, P.S. - Habra, District - North 24 Parganas, Pin - 743233, West Bengal.
14. Tapan Mistry, Son of Late Hrishikesh Mistry, aged about 42 years, at present residing at Vill. - Majherhati, Nanisaha Saroni, P.O. - Nimta, Kolkata - 700049, West Bengal.
15. Madhuri Sinha, Son of Rajkishor Prasad, aged about 41 years, at present residing at Novel Villa, Flat No. 205, Makhla Uttarpura, District - Hooghly, Pin - 712245, West Bengal.
16. Tanmay Dey, Son of Tapan Dey, aged about 34 years, at present residing at D/116, Baghajatin, Kolkata, Pin - 700032, West Bengal.

17. Lohit Chandan Das, Son of Lakshman Chandra Das, aged about 37 years, at present residing at Vill. & P.O. - Balarambati, P.S. - Singur, District - Hooghly, Pin - 712409, West Bengal.
18. Mintu Mallick, Son of Mihirlal Mallick, aged about 29 years, at present residing at Vill. - Gunanadapur, P.O. - Antila, P.S. - Bagnan, District - Howrah, Pin - 711312.
19. Arka Bikash Chatterjee, Son of Suprakash Chatterjee, aged about 31 years, at present residing at Barabazar, Hossengoli, P.O. - Chinsurah, P.S. - Chinsurah, District - Hooghly, Pin - 712101, West Bengal.
20. Subhankar Das, Son of Subhas Ch. Das, aged about 29 years, at present residing at Majher Para, P.O. & P.S. - Bongaon, District - 24 Parganas (North), Pin - 743235, West Bengal.
21. Uttam Sarkar, Son of Manoranjan Sarkar, aged about 33 years, at present residing at Rautara, P.O. - Asharu, P.S. - Bongaon, District - 24 Parganas (North), Pin - 743251, West Bengal.
22. Subhankar Sur, Son of Tarak Chandra Sur, aged about 32 years, at present residing at 30/E, Tulsi Chandra Goswami Street, P.O. & P.S. - Serampore, District - Hooghly, Pin - 712201.
23. Kanai Biswas, Son of Shyamal Biswas, aged about 30 years, at present residing at Vill. - Dhulani, P.O. - Kaniara, P.S. - Bagdah, District - North 24 Parganas, Pin - 743251, West Bengal.
24. Partha Ganguly, Son of Prosanta Ganguly, aged about 33 years, at present residing at Vill. - Petangi, P.O. - Patshimolla, P.S. - Bongaon, District - North 24 Parganas, Pin - 743251, West Bengal.
25. Santanu Biswas, Son of Late Satya Ranjan Biswas, aged about 29 years, at present residing at Vill. - Harindanga, P.O. - Haritala, District - Nadia, Pin - 741502, West Bengal.

26. Biswajit Ghosh, Son of Kishori Mohan Ghosh, aged about 28 years, at present residing at Vill. - Chak Radhamohanpur, P.O. - Samantapara, P.S. - Ausgram District - Purba Bardhaman, Pin - 713144, West Bengal.
27. Bimal Kumar Mandal, Son of Sri Hiralal Mandal, aged about 34 years, at present residing at Dakshin Chanchiara, P.O. - Pratapur, P.S. - Panskura, District - Purba Medinipur, Pin - 721152, West Bengal.

All the applicants are working as Track Maintainer Gr-IV except applicant No. 3 who is at present working as Track Maintainer Gr-III but on the date of Notification i.e. 10.11.2020 was Track Maintainer Gr-IV. The applicants are working under the overall control of the Divisional Railway Manager, Eastern Railway, Howrah.

..Applicants

- Vs -

1. Union of India through the General Manager,
Eastern Railway, Fairlie Place, Kolkata - 700001.
2. Principal Chief Personnel Officer,
Eastern Railway, Fairlie Place, Kolkata - 700001.
3. Divisional Railway Manager,
Eastern Railway, Howrah, Pin - 711101.
4. Sr. Divisional Personnel Officer,
Eastern Railway, Howrah, Pin - 711101.
5. Sr. Divisional Engineer (Co-ord.)
Eastern Railway, Howrah, Pin - 711101.

... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/1435/2020
M.A.350/715/2020

Date of order : 08.01.2021

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member**

SOURAV BIKASH HUI & OTHERS
VS.
UNION OF INDIA & OTHERS
(EASTERN RAILWAY)

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. A.K. Dasgupta, counsel

ORDER

Bidisha Banerjee, Judicial Member

The O.A.350/1435/2020 has been preferred to seek the following reliefs:-

- "a) Liberty may be granted under Rule 4(5)(a) of Central Administrative Tribunal(Procedure) Rules, 1987 to file and maintain the Original Application jointly;
- b) To expunge the cadre of Track Maintainer from the ineligible category as per Notification dated 10.11.2020 issued by the DRM, Eastern Railway;
- c) To direct the respondents to declare the Track Maintainer cadre specially Track Maintainer-IV in G.P. of Rs.1800/- as eligible category to participate in the selection procedure for the post of Office Clerk Gr.II-cum-Typist in Level-02 of Pay Matrix;
- d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

2. The applicants have also preferred M.A.No.350/715/2020 seeking permission to move the O.A. jointly under Rule 4(5)(a) of

Central Administrative Tribunal (Procedure) Rules, 1987, which is allowed.

3. At hearing, ld. counsel for the applicants would submit that the applicants in this case made a representation dated 09.12.2020(Annexure A/2) to the Divisional Railway Manager, Eastern Railway, Howrah ventilating their grievances therein and prayed for inclusion of Track Maintenance cadre to participate in the selection for the post of Office Clerk Gr.II cum Typist by declaring the same as eligible category, but their representation has not yet been considered. On our query, ld. counsel would submit that he would be satisfied if a direction is given to the competent authority to consider and dispose of the representation as per law within a time frame.

4. Ld. counsel for the respondents has no objection to such prayer made by ld. counsel for the applicants.

5. In view of the submissions made by both sides, the Respondent No.3 i.e. the Divisional Railway Manager, Eastern Railway, Howrah or any other competent authority is directed to dispose of the representation of the applicants keeping in view the relevant rules and regulations in force, within a period of 2 months from the date of receipt of a copy of this order.

6. It is made clear that we have not gone into the merits of the case and all the points are kept open for consideration by the respondents as per rules.

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7. Accordingly both the O.A. and M.A. stand disposed of. No order
as to costs.

(Tarun Shridhar)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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