

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 1025 of 1996.

Date of Order : 03.11.2003.

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member
Hon'ble Mr. N. D. Dayal, Administrative Member

Dr. Md. Ariful Haque

Vs.

1. Union of India, service through the General Manager, Eastern Rly., Fairlie Place, Calcutta 700 001.
2. General Manager, Eastern Railway, Fairlie Place, Calcutta 700 001.
3. Chief Personnel Officer, Eastern Railway, Fairlie Place, Calcutta 700 001.
4. Chief Medical Director, Eastern Rly., Fairlie Place, Calcutta 700 001.
5. Chief Medical Superintendent, Eastern Railway, Asansol.
6. Sr. Divisional Medical Officer, Eastern Railway, Asansol.

For the applicant : Mr. Samir Kumar Ghosh, counsel

For the respondents : Mr. P.K. Arora, counsel.

O R D E R

MR. NITYANANDA PRUSTY, JM:

The applicant who was working as Asst. Divisional Medical Officer, Eastern Railway, Barakar Health Unit, under Chief Medical Suptd., Eastern Railway, Asansol and presently retired, has filed this application for a direction to the respondent authorities to consider the case of the applicant for promotion to the post of Divisional Medical Officer from the post of Asst. Divisional Medical Officer ~~from~~ with effect from the date when his juniors were given promotion and give all consequential benefits, which is the main relief as claimed by the applicant in para 8(II) of the O.A.

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2. Heard Mr. S.K. Ghosh, ld. counsel for the applicant and Mr. P.K. Arora, ld. counsel for the departmental respondents. We have gone through the O.A. and reply. No rejoinder has been filed.

3. Mr. S.K. Ghosh, ld. counsel for the applicant submits that the applicant had made several representations to the authorities more particularly dated 20.02.1995 and 13.01.1995 enclosed as annexure-A/4 series to the O.A., which have not yet been considered and disposed of in accordance with law. Ld. counsel further submits that presently he will not press this application and his client shall be satisfied at this stage, if he is permitted to make a fresh representation before appropriate authority for redressal of his grievance enclosing a copy of this O.A. and if the respondents are directed to consider and dispose of the said representation in accordance with law within a stipulated period (by appropriate authority) by passing a reasoned and speaking order without rejecting the same on the ground of limitation.

Mr. P.K. Arora, ld. counsel for the departmental respondents has no objection to the above prayer of the ld. counsel for the applicant .

4. In view of the above submissions made by the ld. counsel for both the parties, the applicant is permitted to make a fresh representation/an appeal before the respondent authorities, enclosing a copy of this O.A. along with the said representation, within a period of 04 weeks from the date of receipt of this order and the respondent authorities are directed to consider the above said representation within a period of 03 months from the date of receipt of such representation, in accordance with law by passing

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a reasoned and speaking order and communicate the same to the applicant within a period of 02 weeks thereafter.

5. The O.A. is accordingly dismissed as withdrawn with the above observations/directions. However there shall be no order as to costs.



MEMBER (A)



MEMBER (J)

ASVS.