

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.757 of 1997.

Date of Order:29.06.2004

PRESENT : HON'BLE MR. NITYANANDA PRUSTY, JUDICIAL MEMBER
HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER

SRI SHYAMA CHARAN DAS

VS.

UNION OF INDIA AND ORS.(E. Rly.)

For the Applicant : Mr. S. K. Dutta, Counsel
Mr. T.K. Biswas, Counsel

For the Respondents : Mr. P.K. Arora, Counsel

O R D E R

MR. NITYANANDA PRUSTY, JM:

The applicant, who is the son of Late Krishnamohan Das, working as Jamadar Peon under Asstt. Controller of Stores, Eastern Railway, Naihati has filed this application for the following reliefs:-

"a) An order quashing or setting aside the matters dated 22nd May, 1996 and 12.6.1996 shown at Annexure A-2 and A-3 respectively to this application.

b) A declaration to the effect that the category of peon is entitled to be considered for the post of Material Checker in a selection as per rules and as such, the denial of the authorities concerned to consider the candidature of the applicant in the selection for the post of Material Checker is unlawful.

c) An order directing the respondents to hold a statutory selection for the applicant for considering his case for the post of Material Checker and in the event the applicant succeeded in the selection the respondents may be directed to give him promotion for the post of Material Checker on the date when any of Junior in service has got such promotion pursuant to selection for the post of Material Checker for which the applicant applied and respondents may be further directed to grant all considerable benefit including seniority and arrears of pay to the applicant after such retrospective promotion to the post of Material Checker.

d) Any other order or further order/orders as to this Hon'ble Tribunal seems fit and proper."

2. Heard Mr. S.K. Dutta, ld. counsel leading Mr. T.K. Biswas, ld. counsel for the applicant and Mr. P.K. Arora, ld. counsel for the respondents.

3. When this matter was taken up ld. counsel for the applicant prayed for withdrawal of this application with liberty to the applicant to file a detailed representation before the competent




authority highlighting all his grievances, enclosing the copies of the relevant office orders/circulars decisions of different courts, in support of his contention and the respondent authorities may be directed to consider the said representation and dispose of the same within a stipulated period by passing a reasoned/speaking order, keeping in view the documents relied upon and filed by the applicant along with his representation.

4. Mr. Arora, ld. counsel for the respondents has no serious objection to the above submissions made by ld. counsel for the applicant.

5. In view of the above, the O.A. is dismissed as withdrawn. No costs.

6. However, the applicant is at liberty to file a detailed representation before the appropriate respondent authorities, more particularly, respondent No.02, highlighting all his grievances, enclosing the copies of relevant office orders/ circulars/ decisions of the different courts in support of his contention, within a period of one month from the date of communication of this order. In case such representation is filed by the applicant, the respondent authorities, more particularly respondent No. 2 is directed to consider the said representation. Keeping in view the documents such as office orders/ circulars/ decisions of the different courts etc. filed by the applicant along with the representation in support of his contention and dispose of the same by passing a reasoned and speaking order in accordance with law within a period of three months from the date of receipt of such representation and communicate the decision to the applicant within a period of two weeks thereafter. It is made clear we have neither gone through nor observed anything on the merits of the case.


MEMBER(A)


MEMBER(J)