

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 810 OF 2005

[Patna, this *Thursday*, the 17<sup>th</sup> Day of February, 2011]C O R A M

HON'BLE MR. JUSTICE ANWAR AHMAD, MEMBER [JUDL.]

HON'BLE MR. A.K.JAIN, MEMBER [ADMN.]

Sanjay Kumar, son of Shri Shyam Sundar Prasad, resident of village – Dhanchua, P.S.- Jandaha, District -Vaishali, at present working as Jr. Electrical Engineer – Gr. I, Card No. 1121 under Dy. Chief Electrical Engineer, AM/Section Electrical Department, Eastern Railway Workshop, Jamalpur, District – Munger, Bihar. ....APPLICANT.

By Advocate :- Shri Jugal Kishore.

Shri S.K.Bariar.

Vs.

1. The Union of India through the General Manager, Eastern Railway, 17-Netaji Subhash Road, Kolkata-700 001.
2. The Chief Mechanical Engineer, Eastern Railway, 17-Netaji Subhash Road, Kolkata-700 001.
3. The Chief Personnel Officer, 17- Netaji Subhash Road, Kolkata-700 001.
4. The Chief Works Manager, Jamalpur Workshop, Eastern Railway, Jamalpur, District -Munger.
5. The Deputy Chief Personnel Officer [previously known as the Workshop Personnel Officer], Jamalpur Workshop, Eastern Railway, Jamalpur.
6. The Deputy Chief Electrical Engineer, Jamalpur Workshop, Eastern Railway, Jamalpur.
7. The Assistant Personnel Officer, Jamalpur Workshop, Jamalpur.
8. Abhash Kumar, son of not known, now as Section Engineer, under Dy. Chief Electrical Engineer, Electrical Department, Eastern Railway Workshop, Jamalpur, Distt. - Munger, Bihar. ....RESPONDENTS.

By Advocate :- Shri Mukund Jee, SC.


O R D E R

**Justice Anwar Ahmad, [J]** :- This OA has been filed by the applicant, Sanjay Kumar, for the following reliefs :-

*“8.1 Impugned order as contained in Annexure-A/1 communicated by Annexure-A/2 be quashed.*

*8.2 The respondents may be directed to treat the applicant as Junior Engineer in the Electrical Department, i.e. Electrical General Wing from the date of his initial appointment, and further directed to grant its consequential benefits.*

*8.3 Cost of litigation may be awarded to the applicant.”*

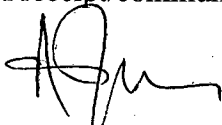
2. Heard the learned counsel for the applicant as well as the learned counsel for the respondents.

3. The learned counsel for the applicant submits that the applicant had earlier filed OA 1062 of 2003 which was disposed of under dated 29.06.2005 [Annexure-A/17] by which the order dated 20/25.08.2003 was quashed and set-aside and the matter was remitted to PHOD to pass appropriate speaking order after taking all relevant facts into consideration. Thereafter, the PHOD, i.e., Chief Mechanical Engineer, Eastern Railway, Kolkata, passed the impugned order dated 27.10.2005[Annexure-A/1]. The learned counsel argued at length on the merit of the case and pointed out that the Tribunal under order dated 29.06.2005, passed in OA 1062 of 2003, had directed that PHOD should first consider the manner of placing indent with RRB and see whether between placing of indent and sending of names the Electric Department had placed requisitions for Apprentice Mechanics, and were they considered before issuance of CPO's letter dated 03.02.1997. He submits that the respondents are silent on this point in his speaking impugned

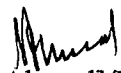
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order [Annexure-A/1] as well as in the written statement. The learned counsel for the respondents kept mum on the argument of the learned counsel for the applicant on this point.

4. Perused the order dated 29.06.2005 passed in OA 1062 of 2003 [Annexure-A/17] and the consequential speaking order passed by the respondents on 27.10.2005 [Annexure-A/1]. We find that the impugned speaking order has not been passed in accordance with the observations made in the aforesaid order of the Tribunal passed in OA 1062 of 2003 [Annexure-A/17]. We, therefore, find it expedient to give a direction to the Chief Mechanical Engineer, Eastern Railway, Kolkata, to pass fresh speaking order in the light of the observations made in the order dated 29.06.2005 of the Tribunal passed in OA 1062 of 2003 [Annexure-A/17]. The applicant is directed to make available a copy of this order to the respondent no.2 [Chief Mechanical Engineer, Eastern Railway, 17, Netaji Subhash Road, Kolkata] who, in turn, will pass an order within a period of three months from the date of receipt/communication of this order. No costs.



[A.K.Jam]/M[A]



[Anwar Ahmad]/M[J]

skj