

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI 5

ORIGINAL APPLICATION NO: 79/94

MISC. PETITION/ REVIEW APPLICATION/CONT. PETITION NO.

See. A. K. Mazumdar APPLICANT(S)
versus

..... N.C.T. N.D.S. RESPONDENT(S)

Mr. J. F. Sarkar, Mr. M. Chanda APPLICANT(S)
Mr. A. Roohi ADVOCATE

..... Mr. B. K. Sharma RESPONDENT(S)

OFFICE NOTE

DATE

COURT'S ORDER

26.4.94

Heard learned counsel Mr J. F. Sarkar on behalf of applicant Shri A. K. Mazumdar. Perused the statement of grievances and reliefs sought in this application. Copy of this application is served on learned Railway counsel Mr B. K. Sharma and he also receives notice on behalf of respondents No. 1, 2 and 3. Let notice be served on respondent No. under Registered Post. Learned Railway counsel Mr B. K. Sharma pray for 10 days time to get instructions. List on 12.5.1994 for consideration of admission and disposal.

Vice-Chairman

Member

Replies are received
on 10.5.94 & considered
by me

pg

No. 79/94

12.5.94 Learned counsel for the party submit to list this case for consideration of admission on 19.5.1994.

List on 19.5.94 for consideration of admission as prayed for.

Vijay
Vice-Chairman

nkm

60
Member

WPS
19.5.94

Learned counsel Mr J.L.Sarkar is present. Railway counsel Mr B.K. Sharma is expected to come tomorrow

List tomorrow the 20.5.94 for consideration and order in presence Railway counsel Mr B.K.Sharma.

Vijay
Vice-Chairman

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Member

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WPS

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O.A.No.79/94

OFFICE NOTE

DATE

COURT'S ORDER

20.5.94

Heard learned counsel Mr J.L. Sarkar on behalf of the applicant, Shri A.K. Mazumder. Perused the statement of grievances and reliefs sought for in this application. The main grievance of applicant is against promotion of Shri Kalpataru Paul to the post of Jr Clerk superseding him. The applicant claims that he is senior to Shri K. Paul and higher scale of pay. Also heard learned Railway Counsel Mr B.K. Sharma on behalf of the respondents. The impugned order of promotion was passed vide office order No.E/254/24(E)AP Pt.II dated 18.2.1994(Annexure-M).

The applicant has preferred representation dated 21.2.1994 before the Chief Personnel Officer (CPO), N.F. Railway, Maligaon, stating his grievances. The representation has not yet been disposed of. A letter dated 13.5.1994 from the Divisional Railway Manager(P), Alipurduar Junction to the General Manager(P), Maligaon discloses that the applicant had approached the CPO, Maligaon with his grievances and that his case is at the examination stage at the level of the CPO. Learned counsel Mr J.L. Sarkar submits that the competent authority be directed to hear both the parties, namely, the applicant and respondent No.4, Shri K. Paul while disposing of the representation and grievances of the applicant. Mr B.K. Sharma has no objection if order is passed as suggested by Mr Sarkar. As the representation is

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O.A.No.79/94

OFFICE NOTE

DATE

COURT'S ORDER

20.5.94

Pending for consideration and disposal by the CPO, we prefer not to admit the application at this stage, but to direct the competent authority to dispose of the representation dated 21.2.1994 of the applicant with speaking order.

Mr J.L. Sarkar submits that the applicant desires to submit additional representation. We allow the applicant to file additional representation to the competent authority in continuation of his previous representation within 20 (twenty) days from today. We now direct the competent authority to dispose of the representation dated 21.2.1994 and the additional representation of the applicant by speaking order after hearing both applicant and respondent No.4, Shri K. Paul, within period of two months from the date of receipt copy of the additional representation. If no additional representation is submitted, then the competent authority shall dispose of the representation dated 21.2.1994 within a 2(two) months from expiry of twenty days from today.

This application is disposed of with the above order.

Inform all concerned.

Signature
Vice-Chairman

Signature
Member

Copy of the order may be furnished to the counsel for the parties.

By Order:

nkm

Mr. 20/5/94

20/5/94