

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/598/2011

Date of Order: 02.11.2017

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Chittaranjan Locomotive Workers' Union affiliated to INTUC registered No. 5026 having its office at R-7 Market area- 5, P.O. Chittaranjan, District- Burdwan, represented by its President – Pradeep Mukherjee, son of Late Satya Narayan Mukherjee aged About 56 years residing at St. 10, Qr. No. 34A Chittaranjan Burdwan, Pin- 713331.
2. Digen Kr. Chakraborti son of late Chakraborti, Chakraborti aged about 56 years, the Vice President, residing At St. 20, Qr. No. 11A Chittaranjan Burdwan, Pin- 713331, Qr. No. 34A Chittaranjan Burdwan, Pin- 713331.
3. Sri Rajit Das son of Kanailal Das, 57 Years, the Secretary, residing at West Ranga mania, Rup Narayanpur, Burdwan, Pin- 713331.
4. Shyam Shankar Nandi son of late Satya Narayan Nandi, a Member residing at St. No. 30, Ar. No. 37B, Chittaranjan, Burdwan, Pin- 713331, working for gain as Senior Section Engineer SSE-TM-23, CLW, CRJ.

.....Applicant.

-versus-

1. Union of India service through the General Manager Chittaranjan Locomotive Works Chittaranjan, District- Burdwan, Pin- 713 331.
2. The Chief Personal Officer, Chittaranjan Locomotive Works, having its office at Chittaranjan, District- Burdwan, Pin-713 331.

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3. The Dy. Chief Personal Officer(Works)
Chittaranjan Locomotive Works, having
its office at Chittaranjan, District- Burdwan,
Pin- 713 331.

4. The Chief Electrical Engineer Chittaranjan
Locomotive Works, having its office at
Chittaranjan, District- Burdwan.

.....Respondents.

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : None

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

By this application the applicants make prayer for setting aside the notices dated 11.03.2010, 22.11.2010 and 06.12.2010 on the subject of posting of staff at CLW Inspection Cells at Howrah, Mumbai, Delhi & Bangalore for Electrical Department.



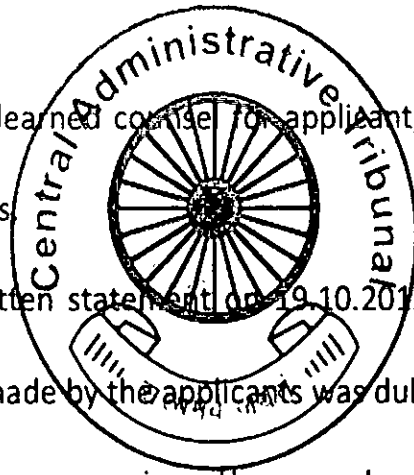
2. Mr. B. Chatterjee, learned counsel appeared on behalf of the applicant.
None appeared on behalf of the respondents.

3. Mr. Chatterjee submitted that the applicants are a registered union affiliated to INTUC which protests against all the illegal activities of the CLW administration. That, on 11.03.2010, 22.11.2010 and 06.12.2010 notices were issued for inviting applications for willing staff of Electrical Supervisor cadre working at CLW/CRJ in the grades SSE/SE for filling up the 9 vacancies in the post of Electrical Supervisor in the merged cadre of JE/SSE in Howrah, Mumbai, Delhi and Bangalore Inspection Cell of respective Supervisory Category.

4. It was submitted by learned counsel for applicant that on 22.12.2010 a detailed representation was made to the Chief Electrical Engineer, Chittaranjan pointing out some irregularities in posting of staff/supervisors in inspection cell of CLW at Howrah, Mumbai, Delhi & Bangalore and requesting for intervention in this regard for natural justice. Mr. B. Chatterjee, Id. counsel submitted that Mr. S.S. Nandi, SSE/TM-23, on being debarred from appearing at the said selection made appeals to the CEE/CPC/CLW/CRJ repeatedly through his applications dated 24.08.2010, 20.09.2010 and 05.10.2010 collectively. However, the same have not been responded to by the respondents' authority. Mr. Chatterjee, however, further submitted that the said post of SSE/SE by which notice was issued has now been filled up.

5. We have heard learned counsel for applicant, perused the records and materials placed before us.

6. By filing the written statement on 19.10.2012, the respondents stated that the representation made by the applicants was duly considered and disposed of and as such no grievance remains. However, learned counsel for applicant submitted that there are some irregularities in issuance of notices and in the impugned order issued by the respondents authority by which they are severely affected. It was submitted that one of the interested party applicants, Sri S.S. Nandi made a representation dated 05.10.2010 before the authority on the subject of posting of staff at CLW Inspection Cell with a request to look into the matter for proper justice as his name has been omitted by the authority by suppressing his original technical qualification which fulfilled the requirement as per the circulated notice.



7. The respondents authority in their written statement against para 8 has taken categorical stand that Shyam Shankar Nandi, SSE, applicant no. 4 had submitted an application but he was not called for screening test in as much as the application of the said applicant no. 4 was not in accordance with the entry in the service records in regard to technical qualification. Thus his representation was considered and rejected.

ll counsel for the applicant
 8. Mr. B. Chatterjee however, fairly submitted before this Tribunal that the posts which were circulated vide impugned order dated 11.03.2010, 22.11.2010 and 06.12.2010 being Annexure A-1, A-4 and A-5 are by now filled up but the applicants herein have not challenged the said order.

9. Thus by taking note into the facts and considering the statement and pleadings of the parties as well as statement made by the learned counsel for applicant we are of the view that the matter is infructuous.

10. Accordingly, the OA is dismissed as infructuous.

(Dr. Nandita Chatterjee)
 Member (A)

(Manjula Das)
 Member (J)

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