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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

MA 609/17 OA. 1048/2017

PARTICULARS OF THE APPLICANTS:

- (I) Ajoy Mondal, son of late Ratikanta Mondal, aged about 41 years,
Village - Gulamutha, Post Office - Barunda, P.S. - Bagnan,
District Howrah, Pin 711303,
- (II) Sk. Mintu Ali, son of Sk. Mohammad Ali, aged about 42 years,
Village and Post Office - Kalna, District - Howrah, Pin 711413.
- (III) Purnandu Mondal, son of late Nirmalenldu Mondal, aged about
39 years, residing at Village - Chandanpur, Post Office -
Bargram, District - Howrah, Pin 711312.
- (IV) Kuntal Das, son of late Bigneswar Das, aged about 38 years,
residing at Village and Post Office - Lalibpur, District - Howrah,
Pin Code 711316.

All are working, Welding Staff under SSE/PW/ULB.

..... APPLICANTS

V E R S U S -

- i) Union of India, through the General Manager, South Eastern
Railway, Garden Reach, Kolkata 700 043
- ii) Divisional Railway Manager (P), South Eastern Railway,
Kharagpur 721301
- iii) Chief Track Engineer, South Eastern Railway, Garden Reach,
Kolkata 700 043
- iv) Divisional Railway Manager (Emgomeer), South Eastern
Railway, Kharagpur 721301
- v) Senior Section Engineer, South Eastern Railway, Uluberia, South
Eastern, Post and P.S. - Uluberia, Dist. Howrah - I

..... RESPONDENTS

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No. O.A. 350/01048/2017
M.A. 350/00609/2017

Date of order: 28.6.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. A. Chakraborty, Ld. Counsel for the applicant and Mr. B.L. Gangopadhyay, Ld. Counsel for the respondents.

2. The M.A. No. 609/2017 for joint prosecution is allowed.

3. This OA has been filed by Ajoy Kr. Mondal & ors. challenging the action on the part of the respondents in changing their Designation, Grade Pay and HQ since last 20.6.2015 as a result of which they have got monetary benefits. This O.A. has been filed praying for the following reliefs:

- "a) An order do issue directing the respondents to treated the applicant as Technician Grade III as they were posted as Welder, Grinder, Lutter and Aligner respectively after due selection.
- b) Decision taken for change of designation is not only arbitrary but also malafide and same may be quashed.
- c) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rule, 1987."

4. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant is that the applicants were initially appointed as Track Maintainer under different subordinate of Engineering Department. ADEN/SHM had directed vide letter No. E/1/15/459 dated 18.5.2015 to submit option within 22.5.2016, which was duly submitted. Thereafter trade test were conducted and posting orders were issued and pay recasted accordingly. After completion of two years training they are now again being reverted to their previous posting. They preferred representation on 2.3.2017, which is still pending consideration.

5. Mr. Chakraborty, Ld. Counsel for the applicant submitted that the

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grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 3 to dispose of the representation dated 2.3.2017 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 3 that if any such representation as claimed by the applicant has been preferred on 2.3.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 3 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 2.3.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

8. With the aforesaid observation and direction, the O.A. is disposed of.

9. As prayed for by Mr. Chakraborty, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry by the next week.

(Dr Nandita Chatterjee)
Administrative Member
SP

(A.K. Patnaik)
Judicial Member