

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No: OA 350/628/2017

Date of order : 26.4.2017

Present: Hon'ble Mr. A.K.Patnaik, Judicial Member

MANESHWAR KARMAKAR

S/o Late Anadi Karmakar,
Working as SSE/PW/MUD/KGP,
R/o Mathurakati,
P.O.- Nimpura,
Kharagpur,
Paschim Medinipore,
Pin - 721304.

...APPLICANT

VERSUS

1. Union of India,
Through the General Manager,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
2. The Divisional Railway Manager,
Kharagpur Division,
South Eastern Railway,
Kharagpur,
Paschim Medinipore - 721301.
3. The Sr. Divisional Personnel Officer,
Kharagpur Division,
South Eastern Railway,
Kharagpur,
Paschim Medinipore - 721301.
4. The Sr. Divisional Engineer
(Co-ordination),
Kharagpur Division,
South Eastern Railway,
Kharagpur,
Paschim Medinipore - 721301.
5. Biswanath Majumder,
R/o Kharida Nayapara,
Kharagpur,
Behind Bharati Vidyapith
High School,
Paschim Medinipore - 721301.

...RESPONDENTS.

For the applicant : Mr.A.Chakraborty, counsel

For the respondents: None

DL

O R D E R (ORAL)A.K.Patnaik, J.M.

Heard Mr.A.Chakraborty, Id. Counsel appearing for the applicant. None appeared for the respondents.

2. This OA has been filed by the applicant challenging inaction and/or non-action on the part of the respondent authorities, under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Office order No. SER/P-KGP/EE/235/Ministerial/PKS/2017 dated 10.2.2017 issued by the Divisional Personnel Officer, South Eastern Railway, Kharagpur is not tenable in the eye of law and as such the same may be quashed.
- b) An order do issue directing the respondents not to give any effect or further effect to the office orders dated 10.2.2017 issued by the respondent No.3.
- c) Pass such further or other order or orders.

3. Mr.Chakraborty submitted that the sum and substance of the grievance of the applicant is that the applicant was initially posted for training under the authority of SSE/P.Way at BQA/ADRA Division w.e.f. 26.9.2000. He was transferred under SSE/P.Way at Soro Division on 5.5.2001 on administrative ground. Thereafter he was again transferred under SSE/P.Way at Rupsa at Balasore w.e.f. 7.4.2011. During his tenure in such capacity, the applicant was transferred to his present place of posting under SSE/P.Way/Marshalling Yard on his own request w.e.f. 30.4.2015. Within a short span of 2 years of his joining, another office order dated 10.2.2017 has been issued transferring the applicant from his present place of posting to the SSE/P.Way at Kharagpur. The applicant has preferred a representation dated 24.3.2017 before the respondent No.2 narrating all the facts and circumstances with a further request for cancellation of such order of transfer, but the same has not yet been considered by the appropriate respondent.

4. Mr.Chakraborty fairly submitted that the grievance of the applicant will be more or less addressed if a direction is issued to the respondent No.2 to consider the representation preferred by the applicant on 24.3.2017 (Annexure A/3 to the OA) and pass appropriate orders within a specific time frame.



5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of at the admission stage by directing the respondent No.2 to consider the representation dated 24.3.2017, if any such representation has been preferred by the applicant and the same is still pending consideration and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within 3 months from the date of receipt of this order. Till the representation preferred by the applicant is considered and disposed of, status quo as on date so far as the continuance of the applicant will be maintained and no coercive action will be taken by the respondents.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force, still then I hereby direct that after such consideration if the applicants' grievance is found to be genuine then expeditious steps may be taken within a further period of 2 months from the date of such consideration to extend those benefits to the applicant.

7. However, I also made it clear that if in the meantime* the said representation has already been considered and disposed of, the result be communicated to the applicant within a period of 4 weeks from the date of receipt of this order.

8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

9. As prayed for by Mr.Chakraborty, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(A.K.PATNAIK)
MEMBER (J)