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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

O.A. No. 666 of 2018.

SRI SWAPAN KUMAR CHATTOPADHYAY, Son of
Late Arun Kumar Chatterjee by faith- Hindu,
by occupation - Working as Senior Sec-
tion Engineer, under TRS/Ranaghat, and
residing at: 73, Sett Lane, Krishnapatty,
P.O.- Telinipara, Dist.- Hooghly.

..... Applicant.

- Versus -

1. UNION OF INDIA, through the General Manager, Eastern Railway, 17, N.S.Road, Kolkata - 700 001.
2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700 014.
3. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700 014.

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4. The Senior Divisional Electrical
Engineer/TRS/Sealdah Division, Eastern
Railway, Sealdah, Kolkata-700 014.

.....Respondents.

(A)

No. O.A. 350/00666/2018

Date of order: 17.7.2018

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

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

ORDER (Oral)A.K. Patnaik, Judicial Member:

Heard Mr. N. Roy, Ld. Counsel for the applicant. None for the official respondents.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

- "(a) To issue direction upon the respondents to consider representation, dtd. 10.6.2013 and 2.2.2016 forthwith.
- (b) To issue further direction upon the respondents to consider transfer of the applicant from Ranaghat/TRS/E. Rly. to Narkeldanga/TRS/E.Rly./SDAH, according to letter dtd. 31.3.2015 forthwith.
- (c) To issue further direction upon the respondents, to consider transfer from Ranaghat to Narkeldanga, which authority concerned not considered till date to the applicant; according to seniority list. So applicant's prayer for transfer from Ranaghat to Narkeldanga, be considered forthwith.
- (d) Any other order or further order or orders as the Learned Tribunal deem fit and proper under the circumstances of the case.
- (e) To produce connected Departmental record at the time of hearing."

3. As prayed for by Mr. N. Roy, Ld.-Counsel for the applicant, that the applicant is at present working under Eastern Railway at Ranaghat / TRS and he is working in the said capacity since long time. His mother is suffering from various diseases and he had made a representation to the concerned authority for transferring him from Ranaghat/TRS under Eastern Railway to Narkeldanga/E. Rly./Sealdah or Budge Budge. His representation was duly forwarded to the concerned authority on 31.3.2015 but till date no decision has been taken on such representation. As per seniority list persons, who were junior to the applicant have been transferred but despite being the senior-most candidate as per the seniority list, his case has not been considered. The representation dated 2.2.2016 preferred by the applicant is still pending consideration.

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4. Mr. Roy, Ld. Counsel for the applicant submitted that the 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. 4 to dispose of the representation dated 2.2.2016, within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 4, that if any such representation as claimed by the applicant has been preferred on 2.2.2016 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.

6. Though I have not entered into the merits of the case still then I 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. 4 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, within the meantime the said representation stated to have been preferred on 2.2.2016 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.

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

8. As prayed for by Mr. Roy, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Roy undertakes to deposit necessary cost in the Registry by the next week.

(A.K. Patnaik)
Judicial Member