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OA/ 00679/2018

An application under Section 19 of the Administration Tribunal's Act, 1985

B E T W E E N

Pulak Chakraborty, son of Late  
Manindra Chakraborty, residing at  
C/O- S. Bagchi, Chatterjeekal, 1<sup>st</sup>  
Floor, 19. Shastri Narendra Nath GA,  
Santragachi, Howrah-711104.

.... Applicant.

AND

1. Union of India service through  
the General Manager, South Eastern  
Railway, Garden Reach, Kolkata-  
700043.

2. The FA & CAO, South Eastern  
Railway, Garden Reach, Kolkata-  
700043

3. The Divisional Railway Manager  
(P), South Eastern Railway,  
Kharagpur, Paschim Medinipore-  
721301. Howrah Division, Howrah,  
Pin Code-711101

4. The Sr. Divisional Personnel  
Officer, South Eastern Railway,  
Kharagpur, Paschim Medinipore-  
721301.

.... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/679/2018

Date of Order: 07.06.2018

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

For the Applicant(s): Mr. A. Chakraborty, Counsel  
: Ms. P. Mondal, Counsel

For the Respondent(s): None

O R D E R ( O R A L )

Mr. A.K Patnaik, Member (J):

This O.A has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- " i) An order do issue directing the respondent authorities to grant and release the petitioner with the Compassionate allowance with effect from immediately after the date of his removal from service along with interest all consequential benefits and interest accrued thereon at an early date;
- ii) An order do issue directing the respondent authorities to consider the representation dated 03.12.2017 preferred by the applicant before the Railways;
- iii) Costs of and incidental to this application.
- iv) Pass such further or other order or orders; "

2. Heard Mr. A. Chakraborty leading Ms. P. Mondal, ld. counsel for the applicant. None for the respondents.

3. The brief facts as narrated by ld. counsel for the applicant are that the applicant joined Railway service on 29.07.1987 and he was working as Helper under OHE/TR-D/Santragachi. Ld. counsel submitted that while the applicant was working in the said post, from the middle of the year 2001 he was not allowed to continue his service by the Railways. The applicant approached the Railway authorities regarding his service status and made an application under RTI Act. Ld. counsel for the applicant further submitted that from the office order office order dated 13.09.2013 annexed to the RTI reply dated 16.09.2013 the applicant came to know that he had been removed from service under D&A Rules. It is further submitted by Mr. Chakraborty, ld.



counsel for the applicant that the applicant was also provided with one Office Order dated 01.06.2004 containing his service particulars and removal from service along with the reply to his RTI application although he was not served with the same earlier. Id. counsel for the applicant further submits that the applicant was served with another office letter dated 17.08.2016 which was issued by the respondents asking him to submit certain documents regarding granting of pension in his favour which the applicant submitted before the authorities. Thereafter, the applicant was provided with Pension Payment Order and two office Orders dated 11.04.2017 by which he has been sanctioned Rs. 9000/- per month as compassionate allowance w.e.f 11.06.2016. Mr. Chakraborty Id. counsel for the applicant submitted that the applicant made a detailed representation dated 04.12.2017 to the Respondent No.4 ventilating his grievances therein, but received no response till date. Being aggrieved he has approached this Tribunal seeking the aforesaid reliefs.

4. Mr. A. Chakraborty, Id. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.4 to consider and dispose of his representation dated 04.12.2017 (Annexure A-4 to the O.A) as per rules and regulations governing the field within a specific time frame.

Though no notice has been issued to the respondents, I find that it would not be prejudicial to either of the sides if such prayer of the Id. counsel for the applicant is allowed.

5. Accordingly, the Respondents No. 4 i.e. the Sr. Divisional Personnel Officer, South Eastern Railway, Kharagpur is directed to consider and dispose of the representation of the applicant dated 04.12.2017 (Annexure A-4 to the O.A) keeping in view the rules and guidelines governing the field within a period of 6 weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith.

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6. Though I have not gone into the merits of the matter, after such consideration, if the applicant is found to be entitled to the benefits as claimed in his representation , he may be granted the same within a further period of 6 weeks from the date of taking decision in the matter.

7. With the above observations and directions, the O.A stands disposed of. No cost.

8. As prayed by ld. counsel for the applicant, a copy of this order alongwith the paper book be transmitted to Respondent No.4 by speed post by the Registry for which ld. counsel for the applicant shall deposit the cost within one week.

(A.K Patnaik  
Member (J)

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