



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

O.A. No.350/00 695 of 2017

DINESH PASWAN, Telephone and Dak Khalasi, working under Sr. Divisional Mechanical Engineer (D), Howrah, Eastern Railway, residing at Village Mihijam Chhata Dangal, P.S. & P.O. Mihijam, District Jamtara, Jharkhand, Pin-815354.
aged about 24 yrs.

... APPLICANT

VERSUS

1. UNION OF INDIA, through the General Manager, Eastern Railway, Koila Ghata, Kolkata-700001.
2. THE DIVISIONAL RAILWAY MANAGER, Howrah Division, Eastern Railway, Howrah-712221.
3. THE CHIEF PERSONNEL OFFICER, Eastern Railway, Koilaghata, Kolkata, Pin-700001.
4. SENIOR DIVISIONAL PERSONNEL OFFICER, Eastern Railway, Howrah, Pin-712221.
5. SENIOR DIVISIONAL MECHANICAL ENGINEER (D), Eastern Railway, Howrah, Pin-712221.

... RESPONDENTS

A handwritten signature in black ink, appearing to read "V. D. S." or a similar initials.

No. O.A. 350/00695/2017

Date of order: 18.5.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : None

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. A. Chakraborty, Ld. Counsel appearing for the applicant.

2. This OA has been filed by Dinesh Paswan, Telephone & Dak Khalasi challenging action of the respondents in not allowing him to join and cancel the letters No. DL/B.Peon/SDME(D)/HWH dated 1.3.2017, 7.3.2017 and 20.3.2017. This O.A. has been filed praying for the following reliefs:

- i) That respondents may kindly be directed to allow the applicant to resume his duty.
- ii) Due salary may kindly be asked to be paid.
- iii) That the respondents may be directed to treat the period of absence from 2.3.2017 to 6.3.2017 and the period between 12.3.2017 to 11.4.2017 as sanctioned leave. And rest of the periods may be treated as spent on duty.
- iii) Letters No. Peon/SDME(D)/HWH, dated 1.3.2017, 7.3.2017 and 20.3.2017 may be quashed.
- iv) Pass any other order/s as your Honour may deem fit.
- iv) An exemplary heavy cost may kindly be imposed to the respondents as they have willfully caused mental and financial harassment to the employees working under their control."

3. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that the applicant was appointed as Substitute Telephone & Dak Khalasi in the South East Central Railway on 1.5.2016. Subsequently he was transferred from South East Central Railway to Eastern Railway, Howrah Division and posted as a TADK under Sr. DME (D), Eastern

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Railway, Howrah vide Office Order dated 29.6.2016. He after this order went to resume his duty but the office under whom he was posted advised him that he will remain out of station from the timing therefore he may be on leave. As per the advice of the concerned office in which he was working he applied for leave. The respondent authorities despite receiving the leave applications from him advised him to resume duty. He thereafter made a representation and stated that despite reporting for duty he was not allowed to resume duty. He also submitted his Fit Certificate from a doctor for allowing him to resume his duties.

4. Mr. Chakraborty, 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 Nos. 2, 3 & 4 to dispose of the representation dated 12.4.2017 within a specific time frame.

5. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 2, 3 & 4 that if any such representation have been preferred on 12.4.2017 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant, and if the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.



7. A copy of this order along with paper book be transmitted to the respondent Nos. 2, 3 & 4 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry within this week.

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

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP

