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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

OA. No. 761/2017

PARTICULARS OF THE APPLICANT:

Durjoy Kumar Hazra, son of late Kalachand Hazra, aged about 55 years,
working as Senior D.E.E.(G), South Eastern Railway, Adra, residing at C/o
Anjan Majumdar, 23 A/4, D. P. P. Road, Kolkata 700047

..... APPLICANT

V E R S U S -

1. The Union of India, through General Manager, South Eastern
Railway, Garden Reach Road, Kolkata 700043
2. Chairman, Railway Board, Rail Bhawan, New Delhi 1
3. Secretary, Railway Board, Railway Bhawan, New Delhi 1

... .. RESPONDENTS

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No. O.A. 350/00761/2017

Date of order: 24.10.2017

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

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

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 praying for the following reliefs:

- "a) Office Order No. E(O)-2017/SR-10-P-01 issued by Under Secretary (D&A), Railway Board cannot be sustained in the eye of law and the same may be quashed.
- b) An Office Order dated 29.3.2017 issued by Senior Personnel Officer (Gazetted) on behalf of General Manager also cannot be sustained in the eye of law and the same may be quashed.
- c) An order do issue directing the respondent to reinstate the applicant in service with all consequential benefits."

4. Mr. A. Chakraborty, Ld. Counsel for the applicant submitted that the applicant while working as Sr. DEE (G), S.E. Railway, Adra received an order dated 24.3.2017 issued by Under Secretary (D&A), Railway Board imposing a punishment of compulsory retirement on the basis of last five years adverse remarks in his ACR.

5. Mr. Chakraborty, Ld. Counsel brought to our notice the representations preferred by the applicant under Annexure 'A-6' and 'A-7' and submitted that in view of the judgment rendered by the Hon'ble Supreme Court of India in case of *Sukhdeo v. Commissioner Amravati Division* (Annexure 'A-8') his case should have been considered favourably.

6. As the representations under Annexure 'A-6' and 'A-7' preferred to

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the appellate authority is pending, therefore, we do not feel it appropriate to keep the matter pending by awaiting for the reply and dispose of by directing the respondent Nos. 2 & 3 that if such representation was preferred on 30.3.2017 under Annexure 'A-6' 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 while considering such representation the appellate authority will also keep in mind the judgement rendered by the Hon'ble Apex Court in *Sukhdeo v. Commissioner Amravati Division (supra)* which has been annexed by the applicant under Annexure 'A-8' of the O.A. We make it clear that if after such consideration the applicant's grievance is found to be genuine then expeditious steps may be taken 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 30.3.2017 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 Nos. 2 & 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

(A.K. Pattnaik)
Judicial Member