



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, CALCUTTA

M. A No. 352/ 61/2017

O. A. No. 350/00 154 of 2017

1. TAPAS BHOWMICK, son of Late B.L. Bhowmick, aged about 44 years, working as Loco Pilot (Goods), residing at South Inda, Kharagpur, District Paschim Medinipur, Pin-721301.

2. PRATYUS KANTI PAL, son of Late Tusar Kanti Pal, aged about 44 years, working as Loco Pilot (Goods), residing at Chandmai, Kharagpur, District Paschim Medinipur, Pin-721301.

3. PRABIR KUMAR MANDAL, son of Sri Sakti Sadhan Mandal, aged about 42 years, working as Loco Pilot (Goods), residing at South Side, Kharagpur, District Paschim Medinipur, Pin-721310.

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Tapas Bhowmick

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4. SANJAY KUMAR BANERJEE,  
son of Late Manish Banerjee, aged  
about 40 years, working as Loco  
Pilot (Goods), residing at IRSF/1C,  
New Traffic, Kharagpur, District  
Paschim Medinipur, Pin-721305.

5. NATARAJ BHATTACHARJEE,  
son of Late S.R. Bhattacharjee, aged  
about 41 years, working as Loco  
Pilot (Goods), residing at Flat  
No.204, Diamond Tower, 41,  
Jhapatapur, Kharagpur, District  
Paschim Medinipur, Pin-721301.

6. UDAY GIRI DAS, son of P.K.  
Das, aged about 45 years, working  
as Loco Pilot (Goods), residing at  
Sanjoal, Kharagpur, District  
Paschim Medinipur, Pin-721301.

7. RAMEN KUMAR PATRA, son of  
Dukhiram Patra, aged about 40  
years, working as Loco Pilot (Goods),  
residing at C/o. Nilkamal Patra,

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*Tapas Bhattacharya*

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Kaushallya, P.O. Kharagpur, District  
Paschim Medinipur, Pin-721301.

8. RAJESH KUMAR SINGH, son of  
Shiv Narayan Singh, aged about 43  
years, working as Loco Pilot (Goods),  
residing at Quarter No.7J/5, Unit 1,  
Old Settlement, Kharagpur, District  
Paschim Medinipur, Pin-721301.

All are working as Diesel Driver in  
Kharagpur Division.

... APPLICANTS

V E R S U S

1. UNION OF INDIA, through the  
General Manager, South Eastern  
Railway, Garden Reach, Kolkata-  
700043.

2. CHIEF PERSONNEL OFFICER,  
South Eastern Railway, Garden  
Reach, Kolkata-700043.

3. CHIEF OPERATING MANAGER,  
South Eastern Railway, Garden  
Reach, Kolkata-700043.

*Alle*

*Tapas Chatterjee*

4. DIVISIONAL RAILWAY MANAGER, South  
Eastgem Railway, Kharagpur, P.O. & P.S.  
Kharagpur, District. Paschim Medinipur 721301

5. SR. DIVISIONAL ELECTRICAL  
ENGINEER, South Eastern Railway, Kharagpur,  
P.O. & P.S. Kharagpur, P.O. & P.S. Kharagpur,  
District Paschim Medinipur 721301

6. SR. DIVISIONAL MECHANICAL  
ENGINEER, South Eastern Railway, Kharagpur,  
P.O. & P.S. Kharagpur, Disgtrict - Paschim  
Medinipur 721301

RESPONDENTS

*AL*

M.A. No. 350/61/2017  
O.A. No. 350/154/2017

Date of order: 20.2.2017

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 : Mr. B.L. Gangopadhyay, Counsel

**ORDER (Oral)**

**Per A.K. Patnaik, Judicial Member:**

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

2. The M.A. No. 61/2017 seeking permission for joint prosecution is allowed.

3. Mr. A. Chakraborty, Ld. Counsel submits that there are eight applicants in this O.A. who have filed this O.A. challenging the office order No. SEY/70/Long Hours/Pt-VIII dated 28.12.2016 issued by the Chief Operating Manager, South Eastern Railway, Garden Reach with the following reliefs:-

"(a) The Office Order dated 28.12.2016 issued by Chief Operative Manager, South Eastern Railway cannot be sustained in the eye of law and therefore the same may be quashed;

(b) An order do issue directing the respondents to prepare a Combined Seniority List in respect of Assistant Electrical Diesel Drivers and converttee Diesel Drivers taking into account their date of appointment and grant consequential benefits.

(c) Leave may be granted to add the other applicants in the O.A. under Rule 4(5)(a) of the CAT Procedure Rule, 1987.

(d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

4. Mr. Chakraborty, Ld. Counsel brought to our notice that as per CAT procedure and rules before approaching this Tribunal the applicant has made several representations but till date the said representations are pending disposal. He submits that he had made a representation on 3.2.2017 which is pending consideration before the respondent No. 3.

*Signature*

5. Therefore without expressing any opinion on the merits of the case we think it appropriate to dispose of this O.A. by directing the respondent No. 3 that if any such representation has been preferred on 3.2.2017 and still pending consideration then the same may be considered and disposed of by way of a well reasoned order within a period of one month from the date of receipt of a copy of this order. It is made clear that though we have not expressed any opinion on the merits of the case and all points are kept open for respondent No. 3 to consider the case of the applicant as per rules in force. We make it clear that if after such consideration the applicants' grievance is found to be genuine then expeditious steps may be taken within a further period of four months from the date of such consideration to extend those benefits to the applicant.

6. Mr. Chakraborty, Ld. Counsel also prayed for grant of an ad-interim order which reads as under:

" An ad-interim order do issue directing the respondents not to give effect and further effect to the impugned Office Order dated 28.12.2016 till the disposal of the Original Application."

As we have not expressed any opinion on the merits of the case and we have directed the respondent No. 3 to consider the representation, the applicants are directed to approach the said respondent No. 3 seeking prayer for interim order, if they so desire.

7. A copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost within a period of 7 days.

8. Mr. Chakraborty, Ld. Counsel submits that the applicants may submit the copy of this order by tomorrow. Hence, a copy this order be supplied to him. A copy of this order be also supplied to Mr. B.L.

Gangopadhyay, Ld. Counsel for the respondents.

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

No costs.

(Jaya Das Gupta)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

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