

# LIBRARY

An Application Under Section 19 of the Administrative Tribunal Act, 1985.

O.A. No. 656 of 2017.

File No. 1  
N. J. N.  
Advocate

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In the matter of :-

Shri Tarun Kumar Sadhukhan,  
Son of Late Jamini Sadhukhan,  
Residing at T. N. Mukherjee Road,  
Uttarpara, P. O - Makhla  
P.S - Uttarpara, District - Hooghly  
Pin Code No - 712245.

...Applicant.

- Versus -

1. Union of India service through

By The General Manager,  
South Eastern Railway,  
By A. Chakrabarty,  
By, Kolkata - 700043.

2. The Additional Divisional Railway

Manager, South Eastern Railway,  
Kharagpur Division, Kharagpur,  
Pin Code No - 721301.

3. The Senior Divisional Commercial

Manager & Disciplinary Authority,  
Kharagpur Division, South Eastern Railway,  
Kharagpur, Pin Code No - 721301.

4. The Divisional Railway Manager

(Personnel), Kharagpur Division,  
South Eastern Railway, Kharagpur,  
Pin Code No - 721301.

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5. The Assistant Personnel Officer - III,

South Eastern Railway, Kharagpur,

Pin Code No - 721301.

6. The Chief Ticket Inspector,

South Eastern Railway, District - I,

Howrah - 711101.

7. The Station Manager,

South Eastern Railway,

Mechada, Pin Code No - 721437.

... Respondents.

Val

Advocate

No. O.A. 350/00856/2017

Date of order: 30.6.2017

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

For the Applicant : Mr. B. Neogi, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

1. Heard Mr. B. Neogi, Ld. Counsel for the applicant and Mr. M.K. Bandyopadhyay, Ld. Counsel for the respondents.

2. At the outset, Mr. Bandyopadhyay has strenuously opposed the very maintainability of the O.A. by citing the provisions enumerated under Section 20 of the Administrative Tribunal Act, 1985.

3. The applicant has been transferred from Kharagpur Division to Ranchi Division, S.E. Railway vide order dated 9.5.2017 and sparing notice has been issued on 18.5.2017 but till date the applicant has not ventilated his grievance before any other authority and, therefore, he has not availed the departmental remedies available to him at the first instance.

4. Mr. Neogi, Ld. Counsel for the applicant submitted that as the applicant was victimized, therefore, without making any representation before the authorities he has rushed to this Tribunal.

5. I am very much satisfied with the arguments advanced by Ld. Counsel for the official respondents and more particularly the provisions enumerated under Section 20 of the Administrative Tribunal Act, 1985.

6. Therefore, I dispose of this O.A. by granting liberty to the applicant to ventilate his grievance by making a comprehensive representation to the respondent No. 3 within a period of two weeks from today and if such a representation is received within a period of two weeks from today then the respondent No. 3 is directed to consider and dispose of the same as per



rules and regulations in force and pass a well reasoned and speaking order within a period of one month from the date of receipt of the representation and after such consideration if the applicant's grievance are found to be genuine then expeditious steps may be taken by the Railway respondents to address the same within a period of one month thereafter.

7. Mr. Neogi, Ld. Counsel for the applicant prayed for an interim direction by stating that the applicant may be protected to work in the said post but Mr. Bandyopadhyay, Ld. Counsel for the respondents by drawing my attention to the transfer order submitted that when the applicant has been transferred along with the post and already spared, therefore, such an interim order cannot be passed.

8. Though I am not passing any interim order, still then I hope and trust that if any post is available where the applicant can be accommodated for the time being then the respondents may allow the applicant to continue in the said post.

9. The applicant is at liberty to enclose a copy of this order along with representation to be preferred before respondent No. 2.

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



(A.K. Patnaik)  
Judicial Member

SP