

LIBRARY

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O. A. No. 350/ 955 of 2018
MA- No. 350/480/2018

1. Abhijit Bhadra, son of late J. N. Bhadra, aged about 54 years, residing at P.O. Hindustan Cables, P.S. Salanpur, District Budrawn, Pin : 713 335.
2. Nemai Charan Sarkar, son of Bemala Charan Sarkar, aged about 56 years, residing at Street No. 3C, Quarter No. 9B, Chittaranjan, District Burdwan, Pin : 713 335.
3. Debashis Misra, son of late Birendra Nath Misra, aged about 54 years, residing at Street No. 68, Quarter No. 16B, Chittaranjan, District Burdwan, Pin : 713 335.
4. Ashok Prasad, son of Bindshwari Prasad, aged about 55 years, residing at Street No. 1A, Quarter No. 12A/A, Chittaranjan, District Burdwan, Pin: 713 335.

WAC

5. Prem Kumar, son of Kedarnath Ram, aged about 54 years, residing at Street No. 24, Quarter No. 28A, Chittaranjan, District Burdwan. Pin: 713 335.
6. Satyabrata Seal, son of late Nani Gopal Seal, aged about 56 years, residing at Street No. 41 Quarter No. 1/14A, Chittaranjan, District Burdwan, Pin : 713 335.
7. Nilanjan Ganguly, son of late Monaranjan Ganguly, aged about 58 years, residing at Street No. 73. Quarter No. 35A/E, Chittaranjan. District Burdwan, Pin : 713 335.
8. Ashim Majumder, son of Nihar Ranjan Majumder, aged about 55 years, residing at Ranga Matia, Rupnarayanpur, District Burdwan. Pin : 713 335.
9. Samarendra Narayan Roy, son of late Khagendra Nath Roy, aged about 55 years, residing at Street No. 10, Quarter No. 10A.

WLC:

Chittaranjan, District Burdwan, Pin
: 713 335.

10. Surendra Nath Biswas, son of late Gopal Biswas, aged about 54 years, residing at Street No. 73, Quarter No. 35A, Chittaranjan, District Burdwan, Pin : 713 335.
11. Rajdeo Pandit, son of Jamuna Pandit, aged about 53 years, residing at Asansol, District Budrawn, Pin : 713 335.
12. Sudip Kumar Sanyal, son of late Susanta Sanyal, aged about 56 years, residing at Street No. 29, Quarter No. 22B, Chittaranjan, District Budwan, Pin : 713-335.
13. Anup Kumar Roy, son of Late N.C. Roy, aged about 55 years, residing at Street No.32, Quarter No.18/A, Chittaranjan, District : Paschim Barddhaman, Pin : 713 335.

All working as Junior Engineer,
Chittaranjan Locomotive Works.
Chittaranjan, District Burdwan.

...Applicants

-Vs-

1. Union of India through the General Manager, Chittaranjan Locomotive

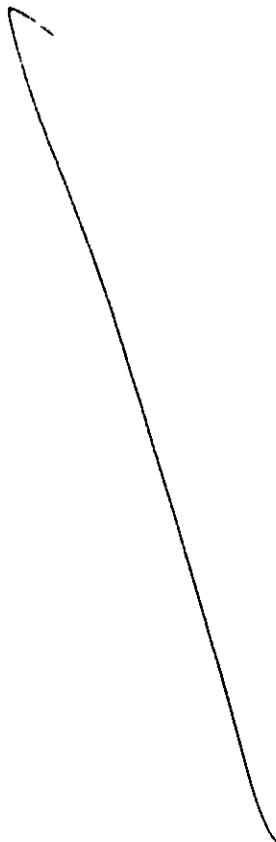
all.

Works, Chittaranjan, District
Burdwan, Pin : 713 335.

2. The Secretary, Railway Board, Rail
Bhawan, New Delhi- 110 001.
3. The General Manager, Chittaranjan
Locomotive Works, Chittaranjan,
District Burdwan, Pin : 713 335.
4. The Principal Chief Personnel
Officer, Chittaranjan Locomotive
Works, Chittaranjan, District
Burdwan, Pin : 713 335.

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/955/ 2018
M.A/350/480/2018

Date of order: 18.07.2018

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

For the applicant : Mr. S.K. Datta, counsel
Mr. B. Chatterjee, counsel

For the respondents : Mr. M.K. Bandyopadhyay, counsel

ORDER(Oral)

A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 challenging the Office Order i.e. CPC No.821/2015 dated 12.06.2018 whereby promotion to the post of Junior Engineer was postponed. In the O.A. the applicant has sought the following reliefs:-

"8.(a) An order directing the respondents to rescind/ recall the impugned order dated 12.6.2018 and/ or an order quashing and/ or setting aside the impugned order dated 12.6.2018.

(b) An order holding that the applicants are entitled to be treated as regular Junior Engineers with effect from 3.2.2015 with consequential seniority and other benefits.

(c) An order directing the respondent authorities to issue a fresh order treating the applicants as regular Junior Engineers with effect from 3.2.2015 and further directing them to grant seniority and other consequential benefits thereof within a period as to this Hon'ble Tribunal may seem fit and proper.

(d) An order directing the respondents to produce/ cause production of all relevant records.

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

2. The applicants have also filed the M.A.No.350/480/2018 seeking permission of this Tribunal to move the O.A. jointly under Rule 4(5)(a) of C.A.T(Procedure) Rules, 1987.

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2. The applicants have also filed the M.A.No.350/480/2018 seeking permission of this Tribunal to move the O.A. jointly under Rule 4(5)(a) of C.A.T(Procedure) Rules, 1987.
3. Heard Mr. S.K. Datta leading Mr. B. Chatterjee, Id. counsel for the applicants. Id. counsel for the respondents Mr. M.K. Bandyopadhyay is also present and heard.
4. Having heard Id. counsel for both sides, the M.A. for joint prosecution is allowed.
5. So far as the O.A. is concerned, Mr. S.K. Datta, Id. counsel for the applicants submitted that though the applicants filed a detailed representation to the Respondent No. 4 i.e. the Principal Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, District-Burdwan on 18.06.2018 ventilating their grievances therein (Annexure A/10), they received no response to the same till date. Mr. Datta further submitted that the applicants would be satisfied for the present if a direction is given to the Respondent No.4 i.e. the Principal Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, District-Burdwan to consider and dispose of the representation of the applicants dated 18.06.2018(Annexure A/10) as per rules within a specific time frame.
6. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties, if the above prayer of the Id. counsel for the applicant is allowed.
7. Accordingly the Respondent No.4 i.e. . the Principal Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, District-Burdwan is directed to consider and dispose of the representation of the applicants dated



18.06.2018(Annexure A/10) by passing a well reasoned order keeping in view the orders of the Hon'ble Supreme Court annexed at page 54 and 59 of the O.A. respectively and in view of other relevant rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith. After such consideration if the grievance of the applicant is found to be genuine, then the respondents shall take expeditious steps for granting the consequential benefits to him within a further period of six weeks from the date of taking decision in the matter.

8. Ld. counsel Mr. Datta has also prayed for an interim order protecting the interest of the applicant on the ground that the respondents may take steps to give promotion to the posts of Junior Engineer in question. Therefore, as an interim measure, the Office Order dated 12.06.2018(Annexure A/9) is hereby stayed and the respondents are restrained from giving any promotion to the posts of Junior Engineer till consideration of the representation of the applicants and for a further period of 4 weeks from the date of communication of the result to the applicants.

9. It is made clear that I have not gone into the merits of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

10. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

11. As prayed by Id. counsel for the applicants, a copy of this order along with the paper book be transmitted to Respondent No.4 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost by Monday i.e.

23.07.2018. A copy of this order may also be sent to Respondents No.2,3 and 4 by speed post by the Registry.

(A. K. Patnaik.)
Judicial Member

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