

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

ORDER SHEET

COURT NO. : 1

15.12.2017

O.A./350/1742/2017

M.A./350/969/2017

(MENTIONED)

ITEM NO:10

FOR APPLICANTS(S) Adv. :

B RAMAKRISHNAN & OTHERS

-V/S-

METRO RAILWAY

Mr.A.Chakraborty

Ms.P.Mondal

FOR RESPONDENTS(S) Adv.: Mr.M.K.Bandyopadhyay (Metro Rly)

Notes of The Registry	Order of The Tribunal
	<p>MA 969/2017 is filed with a prayer for allowing to file the joint petition under Rule 4(5)(a) of CAT (Procedure) Rules, 1987. As the cause of action is same as well as there is a common interest of the party applicants, the MA is allowed.</p> <p>2. Mr.A.Chakraborty, Id. counsel assisted by Ms.P.Mondal, Id. counsel appeared for the applicants and Mr.M.K.Bandyopadhyay, Id. counsel appeared for the Metro Railway respondents.</p> <p>3. By this OA the applicants make a payer for setting aside the impugned order dated 6.12.2017 issued by the Railway Board, Ministry of Railways, Govt. of India, whereby the promotion given to the applicants are sought to be withdrawn. Mr. Datta Chakraborty submitted that all the applicants are the employees of Railways working in different posts. They got promotion to Group 'B' Sr. Scale, Group 'A' Jr. Scale and after DITS after having rendered 5 years of service, all the applicants have been allowed JAG ad hoc promotion. Some of the applicants have also been granted regular promotion of JAG and ad hoc promotion hs been confirmed by virtue of Presidential order.</p> <p>4. According to the Id. counsel for the applicant vide order dated 6.12.2017 the promotion given as JAG are sought to be withdrawn, which according to Id. counsel for the applicant, is not permissible under the law.</p> <p>5. Issue notice returnable within 4 weeks. Reply be filed within 4 weeks. Rejoinder, if any, be filed within 2 weeks thereafter. List on 9.3.2018 before the Bench.</p> <p>6. Mr.Chakraborty, Id. counsel for the applicants prays for an interim order staying of the operation of impugned letter dated 6.12.2017 till</p>

the disposal of the OA. However, ld. counsel for the respondents vehemently objects to such prayer.

7. Mr.Chakraborty submitted that some of the similarly situated persons have approached different co-ordinate Benches of CAT i.e. Bombay Bench, Camp at Nagpur, Bangalore Bench, Guwahati Bench as well as Hyderabad Bench. Mr.Chakraborty has produced before me the orders passed by the Co-ordinate Benches.

8. I have heard the ld. counsels for both sides, perused the pleadings as well as the orders passed by different Co-ordinate Benches. It is noted that considering that the order passed by CAT, Patna Bench is of general application, the Railway Board issued proceedings dated 6.12.2017 declaring that "any promotion of the promotee officers from that seniority list even at ad hoc level over the direct recruit, until the policy is settled in consultation with DOP&T, will be defiance of Tribunal's order and will amount to Contempt of Court", the Railway Board decided that any promotion given after 3.5.2016 to the promotee officer should be withdraw. The said order is under challenge in the main OA and an interim relief is prayed for to stay the said order.

9. In similar circumstances, CAT Bombay Bench, Camp at Nagpur and CAT Bangalore Bench, CAT Guwahati Bench as well as CAT Hyderabad Bench granted interim order by staying the operation of the impugned orders dated 6.12.2017.

10. In my view if the proceedings and any further decision taken pursuant to the said proceedings are not suspended, several promotees would get reversions,. Therefore thee is balance of convenience in favour of the applicants and if an interim order is not granted before filing of the reply statement, the applicants will be put to irreparable loss. Therefore the proceedings dated 6.12.2017 and 7.12.2017 issued by the Railway Board shall be kept in abeyance till the next date.

11. However, liberty is granted to the respondents to file an application for modification/cancellation/ alteration/vacation of the interim order passed today, if they so desire.

(MANJULA DAS)
MEMBER (J)

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