

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/970/2018
M.A. 350/485/2018

Date of Order: 10.07.2018

Present:

Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Sri Subrata Kumar Manna, son of Sri Bibhuti Bhusan Manna, working as Loco Pilot Passenger under Sealdah Division, Eastern Railway, and residing at Vill. Mahamayapur, P.O. Chaulkhola P.S. Nodakhali, Dist- 24 Parganas (South) Pin No. 743 377.
2. Sri Prashant Kumar, son of late Bimal Kumar Datta, working as Loco Pilot Passenger under Sealdah Division, Eastern Railway, and residing at 64/1/C, Nabanna Avenue, Kolkata- 700 074, P.S. Dum Dum, Pin No.- 700 074.
3. Sri Sujay Kumar Datta, son of late Shiba Prasad Datta, working as Loco Pilot Passenger under Sealdah Division, Eastern Railway, residing at 72, Shanti Kunja, Apartment, East Sinthre, Dum Dum, Pin NO. 700 030, P.S. Dum Dum, Dist- 24 Parganas (South).
4. Sri Subhajit Banerjee, son of late Sujit Kumar Banerjee, working as Loco Pilot Passenger, under Sealdah Division, Eastern Railway, Residing at Atithi Apartment, Flat No. 1, 3rd Floor, 9, Kalibari Road, East Sinthre, Dum Dum, P.S. Dum Dum, Dist- 24 Pgs (N), Pin No. 700 030.
5. Sri Gadadhar Sarkar, son of late Syama Pada Sarkar, working as Loco Pilot Passenger under Sealdah Division, Eastern Railway, residing at 33, East Sinthre Road, Baul Bakery, Dum Dum P.S. Dum Dum, Dist- 24 Parganas (North), Pin No. 700 030.

huk

.....Applicant

-versus-

1. Union of India, through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
2. The Principal Chief Personnel Officer, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata- 700 001.
3. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata-700 014.
4. The Sr. Divisional Personnel officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700 014.

5. The Sr. Divisional Electrical Engineer(P), Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700 014.

.....Respondents.

For the Applicant

For the Respondents



ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Heard ld. counsel for applicants and respondents.

2. The instant application has been filed by the applicant seeking the following

relief:

"8(a) To issue direction upon the respondents to give posting induction of Motorman in Metro Railway, according to CPO circular, dtd. 18.04.2018 forthwith.

(b) To issue further direction upon the respondents to consider the representation of the applicants for induction of Motorman in Metro Rly. Forthwith.

[Signature]

(c) To issue further direction upon the respondents to consider the applicant's case for induction of Motorman in Metro Railway according to CPO circular where specifically mentioned the case of number of voluntaries being more than requirement, the deputation of Metro Railway will be as per seniority. All the applicants are senior candidates but authority concerned not considered the applicant's case according to CPO circular, dtd. 18.04.2018. So applicant's case may be considered according to CPO circular, dtd. 18.04.2018.

(d) Any other order or orders or further order or orders as learned Tribunal deem fit and proper under the circumstances of the case.

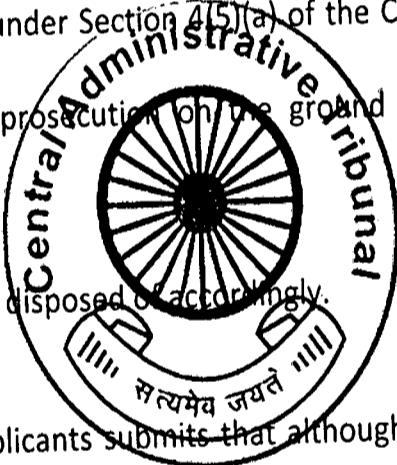
(e) To produce connected departmental record at the time of hearing.

(f) Leave may be granted to file this joint application under Rule 4f(5)(a) of the CAT Procedure, 1987."

3. M.A. No. 485/2018 arising out of O. A. 970/2018 has been filed by the

applicants (5 in number) under Section 4(5)(a) of the CAT Procedure Rules, 1987 seeking liberty for joint prosecution on the ground of common interest and common cause of action.

M.A. is allowed and disposed of accordingly.



4. Id. Counsel for applicants submits that although the representation dated 27.06.2018 (as annexed in Annexure A-5 collectively to the OA) had been preferred by the applicants to the respondent authority, the same has not been disposed of till date.

5. Learned counsel for applicants further submits that the interest of the applicants will be served if a direction is issued to the respondent authorities to dispose of the representations of the applicants in the light of CPO's circular dated 18.04.2018 in a time bound manner.

6. Accordingly, without entering into the merits of this case, we hereby direct the respondent nos. 2 & 4 who, according to Id. Counsel for applicant, are the competent respondent authorities in this regard, to dispose of the pending

hsh

representations of the applicants dated 27.06.2018 (Annexure A-5 collectively to the OA), if received at their end in accordance with law and to issue a reasoned and speaking order thereon within a period of 6 weeks from the date of receipt of this order.

The concerned respondent authorities will also examine the applicability of CPO's circular dated 18.04.2018 (annexed as Annexure A-2 to the OA) while disposing of such representations.

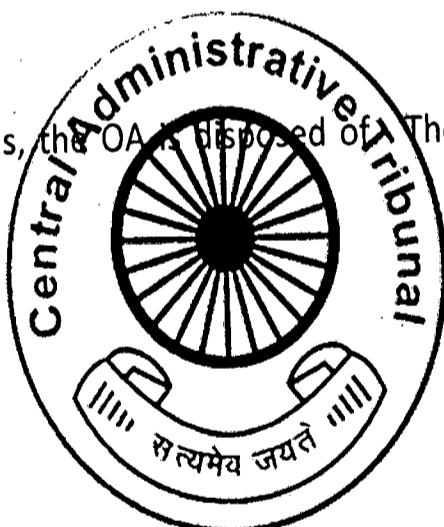
7. Needless to say the orders should be reasoned and speaking and based on extant Rules and Regulations of the Respondent Authorities.

8. The decisions so arrived at, shall be communicated to the applicants forthwith.

9. With these directions, the OA is disposed of. There will be no order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)



pd