

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/1006/ 2018

Date of order: 16.07.2018

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

1. Dilip Kumar Paul,
S/o Late A. K. Paul,
Aged about 59 years,
Working as P.S. Gr-II under Chief
Electrical Engineer (Con),
Eastern Railway,
At present residing at P.O. Mashunda,
P.S. Amdanga, District – 24 Parganas (N),
Pin – 743711.

2. Prabal Kumar Chatterjee,
S/o Late D. P. Chatterjee,
Aged about 54 years,
Working as Sr. Stenographer under Sr.
DME/ Eastern Railway, Asansol,
At present residing at 105,
Srabanti Apartment, Rashdanga,
S. M. Sarani, Asansol – 713301.

..... Applicants.

-Versus-

1. Union of India,
Through General Manager,
Eastern Railway,
17, N. S. Road, Fairlie Place,
Kolkata – 700001.

2. Principal Chief Personnel Officer,
Eastern Railway,
17, N. S. Road, Fairlie Place,
Calcutta - 700001.

3. Divisional Railway Manager,
Eastern Railway,
Asansol, Pin - 713301.

4. Principal Chief Electrical Engineer,
Eastern Railway,
17, N. S. Road, Fairlie Place,
Calcutta – 700001.

Nde

5. Secretary,
Railway Board, Rail Bhawan,
New Delhi - 110001.

..... Respondents.

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. S.K. Das, counsel

O R D E R(Oral)

A. K. Patnaik, Judicial Member

This O.A. has been filed by the applicants challenging the action of the respondents in not holding the viva voce test and completing the selection procedure for formation of Gr.B panel for the post of P.S. Gr.I in P.B. of Rs.9300-34800/- + G.P. of Rs.4800/- though the applicants have been declared successful in the written examination vide letter dated 24.10.2017. The applicants have also challenged the action of the respondents in delaying the selection procedure for the said post in violation of the settled rules of Railway Board being Master Circular No.68.

2. In this O.A. the applicants have prayed for the following reliefs:-

- "a) Liberty may be granted under Rule 4(5)(a) of CAT Procedure Rules, 1985 to file and maintain the Original Application jointly;
- b) To direct the respondents to hold viva-voce test for formation of Gr-B Panel for the post of P.S. Gr.-1 in P. B. of Rs.9300 -34800/- + G. P. of Rs.4800/- and finalise the said selection procedure forthwith;

Wd

c) To direct the respondents to grant promotion to the post of P.S. Gr.-1 in P.B. of Rs.9300-34800/- + G. P. of Rs.4800/- if found fit and eligible in the viva-voce test and in the selection procedure.

d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

3. The applicants have also filed an M.A.No.350/501/2018 seeking permission of this Tribunal to move this O.A. jointly under Rule 4(5)(a) of CAT(Procedure) Rules, 1987.

4. Heard Mr. C Sinha, Id. counsel for the applicants and Mr. S.K. Das, Id. counsel for the respondents.

5. Having heard Id. counsel for both sides, the M.A. for joint prosecution is allowed.

6. So far as the O.A. is concerned, Id. counsel for the applicants Mr. C. Sinha submitted that a notification was issued for filling up the Group B posts of Private Secretary in Grade Pay of Rs.4800/- wherein the applicants being willing and eligible appeared in the written examination and were declared successful vide letter dated 24.10.2017. It is further submitted by Mr. Sinha that though the applicants have successfully crossed the hurdle of written examination, the respondents did not conduct any viva voce test and held that no further selection

formalities would be made and thus the panel could not be finalised for promotion to the post of Private Secretary Gr.I. Mr. Sinha submitted that the applicant No.1 will retire on 31.08.2018 and non -finalisation of the selection procedure would seriously jeopardise the interest of the applicants. Being aggrieved with such inaction of the respondents the applicants submitted

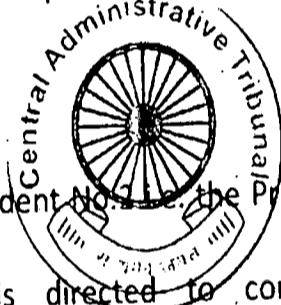
representations ventilating their grievances to the Respondent No.2 i.e. the



Principal Chief Personnel Officer, Eastern Railway, Kolkata on 25.06.2018(Annexure A/7), but they received no response from the said authority till date. Finding no other alternative, the applicants have approached this Tribunal seeking the aforesaid reliefs.

7. Mr. Sinha submitted that the applicants would be satisfied for the present if a direction is given to the Respondent No.2 i.e. the Principal Chief Personnel Officer, Eastern Railway, Kolkata to consider and dispose of the representations of the applicants dated 25.06.2018(Annexure A/7) as per rules within a specific time frame.

Though no notice has been issued to the respondents I find that it would not be prejudicial to either of the parties, if the above prayer of the ld. counsel for the applicants is allowed.



8. Accordingly the Respondent No.2 i.e. the Principal Chief Personnel Officer, Eastern Railway, Kolkata is directed to consider and dispose of the representations of the applicants dated 25.06.2018(Annexure A/7) as per rules (if still pending) by passing a well reasoned order within a period of six weeks from the date of receipt of this order and communicate the decision to the applicant forthwith. The respondents shall conduct the viva voce within 2 weeks from today and the result be communicated to the selected persons as early as possible.

9. It is made clear that I have not gone into the merits of this case and all the points raised in the representations 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.

[Signature]

11. As prayed by Id. counsel for the applicants, a copy of this order along with the paper book be transmitted to Respondent No.2 by the Registry by speed post for which Id. counsel for the applicants shall deposit the cost by Friday. A free copy of this order may also be given to the Id. counsel for the respondents.

(A. K. Patnaik)
Judicial Member

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