



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

O.A. No. 350/00078 of 2018.

Smt. Bobby Mukherjee, wife of
Late Aloke Mukherjee, worked as
Suffaiwala Ticket No.1909, under
SCW HWH - CHG, Eastern Railway,
and residing at 1/400B, Rani
Debendra Pally Road, Flat No.11,
Kolkata-700 002.

..... Applicant.

- Versus -

1. The Union of India, through the
General Manager, Eastern Railway,
17, Netaji Subhas Road, Kolkata-700 001.

2. The Divisional Personnel Officer,
Eastern Railway, Howrah Division,
Howrah, Pin no.:

3. The Senior Section Engineer
(Carriage & Wagon)/Azimgaunge, Eastern
Railway/SCW/Azimgaunge.

..... Respondents.

Contd. .. p/2.

SL

No.O.A.350/78/2018

Date of order : 05.03.2018

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

For the applicant : Mr. N. Roy, counsel

For the respondents : Mr. P.B. Mukherjee, counsel

ORDER (ORAL)**Mr. A.K. Patnaik, J.M.**

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunal's Act, 1985, praying for the following reliefs:-

"(a) To issue direction upon the respondents to consider the representation, dtd. 28-09-2015, 15-11-2017 forthwith;

(b) To issue further direction upon the respondents to vacate the railway quarter under No.110/B, Type-1, East Colony, Azimgaunge forthwith;

(c) Any other order or orders as the Ld. Tribunal deem fit and proper;

(d) To produce Connected Departmental Record at the time of hearing."

2. Heard Mr. N. Roy, Id. counsel for the applicant. Id. counsel for the respondents Mr. P.B. Mukherjee is also present and heard.

3. Brief facts of the case as narrated by the Id. counsel for the applicant are that after demise of her husband on 11.05.2006, the applicant got appointment on compassionate ground on 01-10-2009 as Group " D" staff at Tikiapara Coaching Department, under SCW/Tikiapara and thereafter she made request to the authority concerned for vacating the Railway Quarter No.110/B, Type-1, E East Colony, Azimgaunge. According to the applicant, some unauthorised persons are staying and occupying the said railway quarter without consent of

the applicant and therefore, she made representations to the authority concerned for taking necessary steps for vacating the said railway quarter but no decision has been taken by the respondent authorities till date. Being aggrieved the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. Ld. counsel for the applicant submitted that the applicant has filed representations to the Respondent No.2 and 3 dated 28.09.2015 (Annexure A/5) and 15.11.2017(Annexure A/6) respectively ventilating her grievances therein, but no reply has been received by her till date. Ld. counsel for the applicant further submitted that the applicant would be satisfied for the present if a direction is given to the respondent No.2 and 3 to consider and dispose of the representation of the applicant dated 28.09.2015(Annexure A/5) and dated 15.11.2017(Annexure A/6) as per rules and regulations governing the filed within a specific time frame.

5. Though no notice has been given to the respondents we are of the view that it would not be prejudicial to either of the sides if a direction is given to the Respondent No.2 and 3 i.e. the Divisional Personnel Officer, Eastern Railway Howrah and the Senior Section Engineer(Carriage & Wagon)/Azimganj, Eastern Railway/SCW/Azimganj respectively to consider and dispose of the representations of the applicant as per rules and regulations governing the field within a time frame.

6. Accordingly the respondent No.2 and 3 i.e. the Divisional Personnel Officer, Eastern Railway Howrah and the Senior Section Engineer(Carriage & Wagon)/Azimganj, Eastern Railway/SCW/Azimganj respectively are directed to consider and dispose of the representations of the applicant dated

WSE

28.09.2015(Annexure A/5) and 15.11.2017(Annexure A/6) as per the rules and regulations in force by passing a well reasoned order within a period of six weeks from the date of receipt of this order, if such representations are still lying pending for consideration and communicate the decision to the applicant forthwith.

7. It is made clear that we have not gone into the merits of the case and all the points raised in the representations are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

8. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.2 and 3 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost within a week.

9. With the above observations, the O.A. is disposed of. No order as to cost.

(Dr. N. Chatterjee)
Administrative Member

(A.K. Patnaik)
Judicial Member

sb