

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH


No. OA. 350/1060/2013

Date of Order: 07.03.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Shri Bhabatosh Chakraborty, son of late  
Ramnarayan Chakraborty, retired Chief  
Booking Supervisor, Vidyasagar Station,  
Eastern Railway, Asansol Division, residing  
At Netaji Sarani, Satapdi Nagar, Homeopathic  
College Road, Ismail, Asansol, District-  
Burdwan- 713301.

.....Applicant.

- versus-
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1. Union of India through the General Manager,  
Eastern Railway, 17, Netaji Subhas Road,  
Kolkata- 700 001.
  2. The Chief Commercial Manager, Eastern  
Railway, 3, Kolighat Street, Kolkata-  
700 001.
  3. The Divisional Railway Manager, Eastern  
Railway, Asansol, District- Burdwan-  
713 301.
  4. The Senior Divisional Commercial Manager,  
Eastern Railway, Asansol, District- Burdwan  
713301.
  5. The Senior Divisional Personnel Officer,  
Eastern Railway, Asansol, District- Burdwan  
713 301.

.....Respondents.

For the Applicant : Mr. MS Banerjee, Counsel  
Mr. TK Biswas, Counsel

For the Respondents : Mr. SK Das, Counsel

ORDER (Oral)Per Ms. Bidisha Banerjee, Judicial Member:

Heard Id. Counsel for both the parties.

2. The applicant had earlier preferred OA. 325 of 2008 which was disposed of on 19.06.2009 in the following manner:

“17. We, therefore, set aside the orders of the Appellate Authority and remand the case back to the respondents for appropriate action as per Section 25 of the Railway Servants (Discipline & Appeal) Rules, 1986 which deals with revision and review. We direct the General Manager or an authority of that status to review the entire proceedings commencing from the charge sheet and pass appropriate orders within a period of 6 months. The applicant should be given a hearing. The OA is thus disposed of. No order as to cost.”

3. We noticed that the consequent order passed purportedly in pursuance of the direction of this Tribunal, Chief Commercial Manager who is much below the General Manager in the hierarchy and therefore the authority has acted in violation of the direction of this Tribunal whereby the General Manager or “an authority of that status” was directed to review. Since, the direction of this Tribunal was not complied with and the Chief Commercial Manager erroneously without authority and jurisdiction acting beyond his competence, passed the order dated 02.12.2009, we quash the order and remand back the case to the General Manager to pass appropriate order in accordance with the direction of this Tribunal as given in OA. 325 of 2008 dated 19.06.2009. Let appropriate order be issued within 2 months from the date of receipt of this order.

4. Accordingly, OA is disposed of. No order as to costs.

(Jaya Das Gupta)  
Member (A)  
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(Bidisha Banerjee)  
Member (J)

