

O.A. NO. 350/82/2017



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

O. A. No.350/00 82

of 2017

In the matter of:

BRIJ KISHORE YADAV, Son of Late Tribhuwan Yadav, aged about 36 years, working as a Junior Ticket Examiner, under Senior DCM/KIR at Dalkhola, Katihar Division, N.F. Railway, residing at Quarter No.E 29/B, Railway Colony, Dalkhola, Post Office & Police Station Dalkhola, District Uttar Dinajpur Pin - 733201.

... APPLICANT

VERSUS

1. UNION OF INDIA, through the General Manager, N.F. Railway, Maligoan, Guwahati, Assam, Pin-780011.

2. THE CHIEF COMMERCIAL MANAGER, N.F. Railway, Maligoan, Guwahati, Assam, Pin-780011.

A handwritten signature in black ink, appearing to read "J. D. B." or a similar initials.

3. THE CHIEF VIGILANCE OFFICER, N.F.

Railway, Maligoan, Guwahati, Assam,

Pin-780011.

4. THE DIVISIONAL RAILWAY MANAGER,

North East Frontier Railway, Katihar

Division, Bihar, Pin-854105.

5. THE DIVISIONAL RAILWAY MANAGER

(P), North East Frontier Railway,

Katihar Division, Bihar, Pin-854105.

6. THE SENIOR DIVISIONAL

COMMERCIAL MANAGER, Katihar

Division, N.F. Railway, Bihar, Pin-

854105.

7. THE DIVISIONAL COMMERCIAL

MANAGER, Katihar Division, N.F.

Railway, Bihar, Pin-854105.

8. THE STATION MASTER, Dalkhola

Railway Station, Dalkhola, Post Office &

Police Station Dalkhola, District Uttar

Dinajpur Pin- 733201.

... RESPONDENTS

No.O.A.350/82/2017

Date of order : 18.09.2017

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

For the applicant : Mr. B. Chatterjee, counsel
Mr. J. Dutta, counsel

For the respondents : Mr. S. Banerjee, 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 Tribunals Act, 1985 praying for the following reliefs:-

- "a) An order do issue quashing/setting aside the impugned Pre Check Memorandum dated 02.12.2016 prepared by the Vigilance Inspectors representing the office of the Chief Vigilance Officer, Maligaon, N.F. Railway in the booking counter of Dalkhola Railway Station against the Applicant;
- b) An order do issue quashing and/or set aside any statement record thereto pursuant to the impugned pre check memorandum dated 02.12.2016 if any;
- c) An order do issue quashing/setting aside the impugned suspension order dated 05.12.2016 issued by the disciplinary authority being Annexure "A-1";
- d) Any orders do issue directing the official Respondent authority to allow your Applicant to continue in his duty at Dalkhola, under Katihar Division of N.F. Railway as Junior Ticket Examiner, with immediate effect alongwith all consequential benefits;
- e) An order directing the official Respondents to produce the file/noting in connection with the transfer of the Applicant and all other relevant documents with an inspection to the Learned Counsel for the Applicant;
- f) Any other or further order or orders or direction as to Your Lordships may deem fit and proper."

2. Heard Mr. B. Chatterjee, Id. counsel for the applicant and Mr. S. Banerjee,

Id. counsel for the respondents.



3. Mr. B. Chatterjee, Id. counsel for the applicant submitted that the applicant has made representations to the Senior Divisional Commercial Manager, North East Frontier Railway, Katihar(Respondent No.6) and the Divisional Commercial Manager, North East Frontier Railway, Katihar(Respondent No.7) ventilating his grievances therein on 09.12.2016(Annexure A/2) followed by representation dated 15.12.2016(Annexure A/3) and 02.01.2017(Annexure A/4) but the respondents have not considered his prayer till date. Being aggrieved by such inaction on the part of the respondents the applicant has come to this Tribunal seeking the aforesaid reliefs. Mr. Chatterjee further submitted that the applicant would be satisfied if a direction is given to the respondents No.6 and 7 i.e. the Senior Divisional Commercial Manager, North East Frontier Railway, Katihar and the Divisional Commercial Manager, North East Frontier Railway, Katihar respectively to consider and dispose of the representations of the applicant dated 09.12.2016, 15.12.2016 and 02.01.2017(Annexure A/2,A/3 and A/4 respectively) by passing a well reasoned order as per rules and regulations in force within a time frame.

4. Having heard the Id. counsel for both sides and after considering the facts and circumstances of the case, we think it would not be prejudicial to either of the sides if a direction is given to the Respondents No.6 and 7 to consider and dispose of the representations of the applicant as per rules governing the field within a time frame. Therefore, without waiting for reply we direct the Respondents No.6 and 7 i.e. the Senior Divisional Commercial Manager, North East Frontier Railway, Katihar and the Divisional Commercial Manager, North East Frontier Railway, Katihar respectively to consider and dispose of the representations of the applicant dated 09.12.2016, 15.12.2016 and



02.01.2017(Annexure A/2,A/3 and A/4) 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. After such consideration, if the applicant's claim is found to be genuine, then expeditious steps may be taken by the respondents to extend the consequential benefits to the applicant within a period of six weeks from the date of taking decision in the matter.

5. 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.

6. As prayed by Mr. Chatterjee, Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.6 and 7 by the Registry by speed post for which Mr. Chatterjee shall deposit the cost by 22.09.2017.

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

(Dr. N. Chatterjee)
Administrative Member

(A.R. Patnaik)
Judicial Member

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