

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



O.A. NO. 350/1108/2016

Dated : 14.11.2017

Coram : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. Shri Ashim Das,
Son of Late Surya Kumar Das,
Working as A.C. Coach, Fitter-III,
Under Eastern Railway, Sealdah Division,
Under Senior Section Engineer/ACC/RAJDHANI,
Eastern Railway, Sealdah Division and
Residing at 25/6, Rabindrapalli,
P.O. Naikati, R.B. Road, Pin – 743 165.

2. Shri Ashit Kumar Das,
Son of Late Naresh Chandra Das,
Working as AOF-III, under Sr.
Section Engineer/TL/AC/CP,
Residing at 2 no. Rabindrapalli,
P.O. Madrah, Pin no. – 743 126.

..... Applicants.

-Versus-

1. Union of India,
Through the General Manager,
Eastern Railway,
17, Netaji Subhas Road,
Kolkata – 700 001.

2. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Kolkata – 700 014.

3. The Senior Divisional Personnel Officer,
Eastern Railway, Sealdah Division,
Kolkata – 700 014.

..... Respondents.

For the applicant : Mr. N. Roy, Counsel

For the respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)Manjula Das, Judicial Member

This OA has been filed under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8.(a) To issue direction upon the respondent to for pay Fixation List, name may be included which is published by the respondent authority, dated 15-07-16 forthwith.

(b) To issue further direction upon the respondent to include the names of the applicants for pay fixation, which has been published by the Sr. DPO, E. Rly., Sealdah, dated 15-07-16 forthwith.

(c) To issue further direction upon the respondent, the seniority list published dated 01.12.15 where the applicants' Serial no's. 49 and 52, according to that, the applicants' pay fixation list dated 15-07-16. The names may be included by the Competent Authority, otherwise, it should be cancelled, quashed and/or set-aside forthwith.

(d) To issue further direction upon the respondent for Pay Fixation List dated 15-07-16, where the applicants have been promoted w.e.f. 01.12.15 as Tech.-III (AC), may be considered for Promotional Fixation List forthwith.

(e) To issue further direction upon the respondent to consider the applicants' name may be included for Pay Fixation List which has been published by the Competent Authority dated 15-07-16 forthwith.

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

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

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

2. We have heard both sides, perused the pleadings and materials placed on record.

3. Ld. Counsel for the applicant submits that the applicants are working as Fitters, (A.C. Wing) of Electrical – G Department under E. Rly., Sealdah Division. They were selected and promoted as Technical – III (A.C.) under Eastern Railway, Sealdah Division. But all on a sudden, the respondent authorities have issued one office order dated 15.07.2016 regarding fixation list, where the name of the


applicants were not listed without showing any reason. Being aggrieved the applicants have filed representation to the authorities vide letter dated 23.06.2016 and 17.06.2016 respectively (Annexure A-5) but their grievances have not been considered. Finding no other alternative the applicants have come to this Tribunal seeking the aforesaid reliefs.

4. Ld. Counsel for the applicants prays that the respondents may be directed to consider and dispose the representations of the applicants as per rules within a time frame. Ld. Counsel for the respondents has no objection to such prayer.

5. Considering the submissions made by Ld. Counsel for both sides, we direct the applicants to make a specific representations ventilating their grievances within a period of 15 days from the date of receipt of this order. The respondent authorities shall consider and dispose the same as per rules by passing a reasoned and speaking within a period of 2 months from the date of receipt of such representations from the applicants.

6. The decision so arrived at will be communicated to the applicants forthwith.

7. With the above direction, the OA stands disposed of. No order as to costs.

We have not entered the merits of case. 

(Jaya Das Gupta)
Member (A)

(Manjula Das)
Member (J)

drh