

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

ORDER SHEET

COURT NO. : 1

30.08.2018

O.A./350/1125/2018
(MENTIONED)

SWAYAMBHU NARAYAN BERA
-V/S-
S E RAILWAY

ITEM NO:8

FOR APPLICANTS(S) Adv. : Mr. C.Sinha

FOR RESPONDENTS(S) Adv.: Mr. A.K.Banerjee

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. C.Sinha, Ld. Counsel for the applicant, and Mr. A.K.Banerjee, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p>a. To set aside and quash Impugned Letter No. SER/Con/HG/Estt/433/SPC dated 03.02.2017 issued by Chief Administrative Officer (Con), South Eastern Railway, Garden Reach.</p> <p>b. To set aside and quash Impugned letter No. SER/Con./HQQ/Estt./433/2003 dated 22.06.2018 issued by Sr. Personnel Officer/Con. for Chief Admn. Officer /Con., South Eastern Railway, Garden Reach, Kolkata</p> <p>c. To direct the respondents to grant promotion to the applicant to the post of O.S GR-II in scale of Rs. 5500-9000/- 5th CPC w.e.f with all consequential benefits.</p> <p>d. Any other order or order(s) as the Hon'ble Tribunal deems fit and proper."</p> <p>3. The sum and substance of the case of the applicant is that he is praying for grant of promotion to the post of O.S GR-II in scale of Rs. 5500-9000/- (5th CPC) with all consequential</p>

benefits. He submitted that ventilating his grievances for non-grant of the said promotion applicant submitted several representations but of no avail. Finally his representations have been rejected vide impugned letters dated 03.02.2017 and 22.06.2018 which is under challenge in the instant O.A. Ld. Counsel for the applicant brought to my notice the order passed on 22.06.2018 by the office of the Respondent No.3 in response to the request for empanelment as made by the applicant on 19.04.2018 under Annexure A/7.

4. On a cursory reading, I found that none of the points raised in the said request letter dated 19.04.2018 (Annexure-A/7) has been addressed in the communication dated 22.06.2018 (Annexure-A/8). Mr. Sinha submitted that this communication can at best be termed as a cryptic since as per the settled position of law the Respondents authorities should give a reasoned and speaking order so that the concerned applicant can know the reasons for rejection but that has not been adhered to by the Respondents.

5. In view of the submissions of the Ld. Counsels for the parties and on perusal of the record, I quash the communications made under Annexure-A/6 and A/8 and remand the matter back to the Respondent No.3 to reconsider the matter in entirety keeping in mind the judgment already enclosed and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order.

6. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.3, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the case of the applicant is found genuine then expeditious steps may be taken by the Official Respondents for his empanelment for Office Superintendent.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.3 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

9. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)

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