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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

On: 1205/2017
2017

PARTICULARS OF THE APPLICANTS:

1. Sunil Kumar Dey, son of late Haripada Dey, aged about 52 years
residing at Village Vhangual, Post Office - Changual, District -
Paschim Midnapur, Pin 721301, West Bengal
2. Jhatu Nath Dey Sarkar, son of late Sanjoy Dey, aged about 52 years
Residing at Village - Chakganash, Post Office - Jakpur, District
Paschim Midnapur, Pin 721301, West Bengal

..... APPLICANT:

VERSUS -

- i) Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043
- ii) The Assistant Signal Telecommunication Engineer, South Eastern Railway, Kharagpur, P.O. Kharagpur, District - Paschim Medinipur, Pin 721301.
- iii) The Sr. Divisional Personnel Officer, S. E. Rly, Kharagpur, Paschim Medinipur, Pin 721301

..... RESPONDENT:

VAO

No. O.A. 350/01205/2017
M.A. 350/00741/2017

Date of order: 28.6.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. D. Dutta, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. A. Chakraborty, Ld. Counsel for the applicant

2. The M.A. No. 741/2017 for joint prosecution is allowed.

3. This OA has been filed by Shri Sunil Kumar Dey and anr. challenging in-action on the part of the respondents in not calculating the total number of vacancies in the cadre of MCM appropriately being 24 whereas the original vacancies in the said cadre ought to have been 26. Hence, as per the applicant the cadre strength in the post of Painter ought to have been 8 instead of 6. This OA has been filed praying for the following reliefs:

- "i) An order do issue directing the respondent to take a decision afresh in respect of Pinpointing of Cadre distribution in the Signal Workshop, South Eastern Railway, Kharagpur and thereafter effect promotion in the cadre of Painter.
- ii) An order do issue directing the respondents to consider the representation filed by the applicants in respect of pinpointing cadre distribution in signal workshop, South Eastern Railway, Kharagpur.
- iii) Leave may be granted to file this Original Application jointly under Rule 4 (5) (a) of the CAT procedure Rule 1987."

4. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant is that the applicants are posted as Technician Grade I at Signal Workshop, South Eastern Railway, Kharagpur. The Assistant Signal Communication Engineer, Signal Workshop issued a vacancy position for promotion to the post of Painter wherein the vacancy position has been wrongly declared. He preferred a representation dated 3.8.2017, which is still pending consideration.

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5. Mr. Chakraborty, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 1, 2 and 6 to dispose of the representation dated 3.8.2017 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 1, 2 and 6 that if any such representation as claimed by the applicant has been preferred on 3.8.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 1, 2 and 6 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 3.8.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

8. With the aforesaid observation and direction, the O.A. is disposed of.

9. As prayed for by Mr. Chakraborty, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent Nos. 1, 2 and 6 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry by the next week.

(Dr Nandita Chatterjee)
Administrative Member
SP

(A.K. Patnaik)
Judicial Member