

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/01225/2017


Date of Order: 14.03.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Sri Ujjal Kumar Datta, son of late
N.R. Datta, working as Loco Pilot
Shunting (Grade-I), under CCC(R)
at Dum-Dum, residing at 5/A, Milan
Park, Kali Nivas, P.O. N.C. Pukur, Pin-
700 122, Dist- 24 Parganas (N).

.....Applicant.

-VS-

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1. Union of India, through the General
Manager, Eastern Railway, Fairlie
Place, Kolkata-700 001.
 2. The Divisional Railway Manager, Eastern
Railway, Sealdah Division, Sealdah,
Kolkata-700 014.
 3. The Sr. Divnl. Personnel Officer, Eastern
Railway, Sealdah, Kolkata - 14.
 4. The Sr. Divnl. Electrical Engineer (OP)
Eastern Railway, Sealdah, Kolkata - 14.
 5. Asstt. Electrical Engineer (OP), Eastern
Railway, Sealdah, Kolkata- 14.
 6. Chief Crew Controller (R), Eastern
Railway, Sealdah.

.....Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None



ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. N. Roy, learned counsel for applicant. None appeared on behalf of the respondents.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

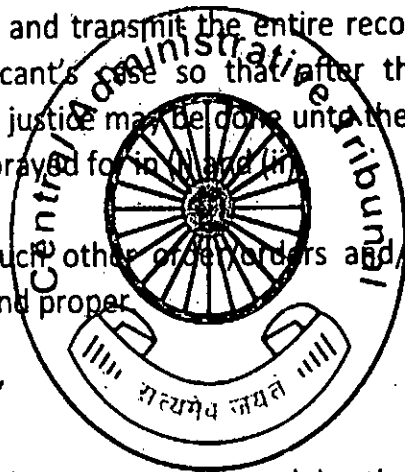
"8(a) Rescind, recall and/or cancel the orders being Annexure – 'A-1', 'A-2' and 'A-3' for all intents and purposes.

(b) Restore the privileges passes to the very stage from which it was withheld and direct adequate compensation for such withholding of passes and all consequential benefits be given forthwith.

(c) Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for to him and his.

(d) Pass such other orders and/or direction/directions as deemed fit and proper.

(e) Costs."



3. The brief fact of the case as narrated by the learned counsel for the applicant is that the applicant has been working as Loco Pilot (Shunting) and applied for a casual leave for 12.08.2008 vide an application in advance dated 11.08.2008. The applicant asked for leave as he fell sick after 40 days of continuous work. The leave was rejected without any ground and the applicant was compelled to perform duties on 12.08.2008. The applicant, however, approached the Crew Controller to ascertain with due respect as to the reasons for denial of leave when there was no staff shortage on that date. Thereafter, the applicant was served with a charge memo dated 25.09.2008 for imposing minor penalty and when he wanted documents to prepare written statement in defence

no document was made available. The respondent authority came out with a punishment of withholding of two sets of privileges passes when next due. The applicant preferred an appeal. The Appellate Authority given him a copy of the documents and finally passed an order that he had purportedly examined all the witnesses behind back of the applicant. Thereafter, the applicant challenged the proceedings and punishment on the ground amongst others for violation of principles of natural justice and fair play. Hence, he has approached this Tribunal in the present O.A.

4. Ld. Counsel for applicant submit that presently the applicant will be satisfied if a direction is given to him to file a comprehensive representation before the appropriate authority and respondents be directed to consider and dispose of the same within a time frame.

5. By accepting the prayer of the Ld. Counsel for the applicant and without going into the merits of the case, hereby dispose of the OA by directing the applicant to make a comprehensive representation by making all his grievances before the competent authority within a period of 15 days from the date of receipt of the order. On receipt of such representation the respondent authority shall dispose of the same within a period of 2 months by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

6. Accordingly, OA is disposed of. No costs.

(Manjula Das)
Member (J)