



**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./350/1279/2018

M.A./350/637/2018

(MENTIONED)

ITEM NO:12

FOR APPLICANTS(S) Adv. :

ASHIS KUMAR DEY & ANOTHER

-V/S-

EASTERN RAILWAY

Mr. A. Chakraborty

FOR RESPONDENTS(S) Adv.:

Mr. S. K Das

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. A.Chakraborty, Ld. Counsel for the applicants, and Mr. S.K.Das, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. M.A.No. 637/2018 filed for joint prosecution of this case is allowed.</p> <p>3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="padding-left: 40px;">" (a) An order do issue directing the respondents to allow the applicants join the the promotional post of Senior Section Engineer (C&W) at Sealdah Division, Since order of promotion was issued vide office order dated 07.06.2018 and to grant all consequential benefits with arrears.</p> <p style="padding-left: 40px;">(b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rule 1987."</p> <p>4. Brief facts of the case of the applicants are that on being declared suitable, they were promoted to the post of Senior Section Engineer in the Grade Pay of Rs. 4600/- in Sealdah Division but the order of promotion was not given effect to in respect of the applicants till date for the reasons best known to the respondents whereas some of the candidates have been granted the benefits. The applicants made a representation before the authority concerned praying for giving effect to</p>

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the order of promotion issued in their favour. The applicants again made a representation on 04.07.2018 (Annexure-A/3) before the Divisional Railway Manager with copy to Sr. DPO (Respondent No.4) praying for giving effect to the order of promotion but till date no reply has been received from them. It was also pointed out by them that others from the panel have got promotion in the month of June, 2018.

5. Ld. Counsel for the applicants submitted that the grievance of the applicants may be redressed if a specific direction is given to Respondent No.4 to consider the said representation under Annexure-A/3 within a specific time frame.

6. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.4 to consider the representation as at Annexure-A/3, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

7. 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.4, 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 suitable steps may be taken by the Official Respondents to redress their grievance and give the benefit if the similarly situated persons and others have been granted the benefit of empanelment within a further period of three months therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/3 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

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

9. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to

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Respondent No.4 by Speed Post for which,he undertakes to deposit the cost with the Registry by 03.09.2018.

10. 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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