

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A.No. 1323 of 2017

PRADIP KUMAR BOSE,

son of late Jitendra Kumar Bose

residing at 131, Sarat Pally,

Bansdrani, Kolkata- 700 001.

*Working as Hd Goods clerk at
Shalimar. Under Sr DCM. RGP.
S.E.Rly.Applicant*

- Versus -

1. Union of India,

service through the General

Manager, South Eastern Railway,

11, Garden Reach Road,

Kolkata- 700 043.

2. The Railway Board,

Ministry of Railway, Government

of India, Rail Bhaban, New Del

110001.

3. The Chairman,

de

Railway Board, Ministry of Railway,
Government of India, Rail Bhaban,
New Delhi-110001.

4. The Senior Divisional Commercial
Manager, Kharagpur Division, South
Eastern Railway, Post Office -
Kharagpur, District - Paschim Medinipur
PIN-721301.

5. The Divisional Railway Manager(T)
South Eastern Railway, Kharagpur
Division, D.R.M. Building, Post
Office- Kharagpur, District -
Paschim Medinipur, PIN-721301.

6. The Placement Committee,
service through the Senior Divisional
Commercial Manager, South Eastern
Railway, Post Office - Kharagpur,
District - Paschim Medinipur,
PIN-721301.

62

3

7. Mr. S.Marandi,

Senior Commercial Supervisor ;

8. Mr. A.K.Khandekar,

Senior Commercial Supervisor

- All 7 and 8 office at Shalimar

Station, South Eastern Railway,

Post Office- Shalimar, District -

Howrah, PIN- 711101

...Respondents

val

No. O.A. 350/01323/2017

Date of order: 22.9.2017

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

For the Applicant : Mr. P. Guria, Counsel

For the Respondents : None

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. P. Guria, Ld. Counsel for the applicant.

2. This OA has been filed by Mr. Pradip Kumar Bose challenging impugned posting order of transfer of 12 (Twelve) employees along with the applicant where the applicant is in the verge of his retirement i.e. his date of superannuation is 31.8.2019 and he has less than two years to retire for service. He also alleges that those persons who are longest stayees in the present place of posting have not been transferred, whereas he has been transferred. This O.A. has been filed praying for the following reliefs:

(I) Issue a direction upon the concerned respondents, each one of them their men, agents, subordinates to forthwith stay the operation of transfer of the applicant being Sl. No. 3 of Posting order on transfer dated 29.5.2017 being Posting order No. SER/P-KGP/EC/235/1/Com. Clerk/66/2017.

II) Issue an order directing the respondents, each one of them their men, agents, subordinates to certify and transmit to this Hon'ble Tribunal relevant documents pertaining to the present case so that conscionable justice may be administered by directing them to forthwith stay the transfer of the applicant from Shalimar SHM (G) to GGTA (BO).

III) Costs of and/or incidental to this application to be borne by the respondent.

IV) Such further and/or other order or orders be passed and/or direction or directions be given, as to this Hon'ble Tribunal may deem fit and proper. "

3. The facts in a nut shell as per Mr. Guria, Ld. Counsel for the applicant are that the applicant joined the post of Goods Guard at Shalimar on 30.9.1982. On 1.10.1982 he was transferred from Shalimar to Santragachi.

5 2
Thereafter he was transferred from Santragachi to Dasnagar on 9.2.1983. He was against transferred on 1.10.1983 from Dasnagar to Shalimar. On 21.9.2005 he was transferred from Shalimar to Bagnan. On 10.2.2010 he was transferred from Bagnan to Shalimar. On 29.5.2017 another transfer order was issued transferring him from Shalimar. He preferred a representation dated 8.9.2017, which is still pending consideration.

4. Mr. Guria, 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 No. 4 to dispose of the representation dated 8.9.2017 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 4 that, if any, such representation as claimed by the applicant has been preferred on 8.9.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. 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. 4 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 8.9.2017 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.

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

8. As prayed for by Mr. Guria, Ld. Counsel a copy of this order along

Wd

with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Guria undertakes to deposit necessary cost in the Registry by the next week.

9. Status quo as on date so far as the applicant's continuance in his present place of posting will be maintained till the representation is considered and disposed of and the result thereof communicated to the applicant.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP