

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH**

No. OA 350/1396/2017

Date of order : 9.2.2018

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

**TAPAN KUMAR MODAK**

S/o Late Sudhir Kumar Modak,  
Tech-I (FCO) under the control of  
Sr. SEE/Elect., Eastern Railway,  
Naihati, since retired on  
Superannuation on 30.6.2016  
R/o 16/6 Baigachi Ostagar Para,  
PO & PS – Santipur,  
Dist. – Nadia,  
West Bengal,  
Pin – 741404.

...APPLICANT

VERSUS

1. Union of India, service through  
The General Manager,  
Eastern Railway,  
Fairlie Place,  
Kolkata – 700001
2. The Sr. Divisional Personnel Officer,  
Eastern Railway,  
Sealdah,  
Kolkata – 700014.
3. The Sr. Divisional Electrical Engineer (G)  
Eastern Railway,  
Sealdah,  
Kolkata – 700014.
4. Sr. Section Engineer (E)(G),  
Eastern Railway,  
Naihati,  
Pin – 743165.
5. Shri Shyamal Kumar Biswas,  
Technician Gr.I;  
Posted at SSE Ranaghat,  
Eastern Railway,  
Pin – 741201.

...RESPONDENTS.

For the applicant : Mr.J.R.Das, counsel

For the respondents: Mr.B.K.Roy, counsel



O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.J.R.Das, ld. Counsel appears for the applicant and Mr.B.K.Roy, ld.

Counsel appears for the respondents.

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

- a) An order directing the respondent to not to effect the letter/list dated 12.5.2017 without considering the case of the applicant and without stating/disclosing the fact that whether any vacancy had been available to the next higher grade of Sr. Tech(FCO)/MCM as on 30.6.2016;
- b) An order directing the respondents to allow promotion/upgradation to the applicant herein with retrospective effect from the date of his eligibility following 31.5.2006 since suffered for long 10 years;
- c) An order directing the respondents to effect his promotion from the date of eligibility and allow consequential effects with monetary effects as per law including pensionary benefits and thereto;
- d) To direct the respondents to place all the papers on records before the Hon'ble Bench for conscientious justice with copy to the ld. Advocate appearing for the applicants;
- e) And to pass such further or other order/orders and/or direction/directions as to this Hon'ble Tribunal deem fit and proper.

3. The brief fact of the case as narrated by the ld. Counsel for the applicant is that the applicant joined the Eastern Railway as Khalasi at Naihati on 27.3.1979. Thereafter the applicant was promoted/upgraded to Tech-III on 1.9.1998, Tech-II in the year 2002 and Tech-I in the year 2006 respectively and retired on superannuation on 30.6.2016. Seniority list of Tech-I(FCO) was published on 12.2.2014 and in that list the applicant's name was at Sl. No. 25. Though there were vacancies the applicant was not considered for promotion to the next higher grade of MCM (Master Craftsman) in the grade pay of Rs.4200/- . The applicant made a representation on 9.5.2016 stating that he will be retiring on superannuation on 30.6.2016 and he may be kindly considered for his due promotion to the next higher grade of MCM. But his case was not considered. Hence he has approached this Tribunal in the present OA.

4. Ld. Counsel for the applicant submits that presently the applicant will be satisfied if a direction is given to him to file a comprehensive representation

before the appropriate authorities and the respondents are directed to consider and dispose of the same within a time frame. Mr.Roy, 1d counsel for the respondents submits that he has no objection if such prayer is allowed.

5 By accepting the prayer of the 1d. Counsel for the applicant and without going into the merits of the case, I hereby dispose of the OA by directing the applicant to make a comprehensive representation by making all his grievances before Sr. Divisional Electrical Engineer(G), Eastern Railway, Sealdah, respondent No.3 within one month from the date of receipt of the order. On receipt of such representation the respondent authorities shall dispose of the same within a period of one month thereafter by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

6. The OA is therefore disposed of. No order as to costs.

(MANJULA DAS)

JUDICIAL MEMBER

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