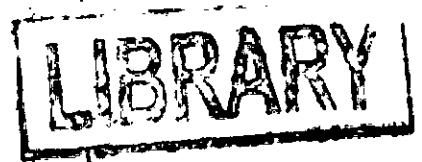


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/01445/2016

Date of order: 20.3.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member

Amit Baran Paul,
S/o. Late Sadananda Pal,
Aged about 55 years,
At present working as Works Manager (DSL),
Jamalpur Workshop,
Under CWM/Jamalpur Workshop,
At present residing at 45,
Prasanna Kumar Dutta Lane,
Shibpur, Howrah – 711 102.

.. Applicant

- VERSUS -

1. Union of India through General Manager,
Eastern Railway, Fairlie Place,
Calcutta – 1.
2. Chief Personnel Officer,
Eastern Railway, Fairlie Place,
Calcutta – 1.
3. Chief Mechanical Engineer,
Eastern Railway, Fairlie Place,
Calcutta – 1.
4. Director Establishment,
Railway Board, Rail Bhavan,
New Delhi – 110 001.
5. Member Mechanical
Redesignated as Member Rolling Stock,
Railway Board, Rail Bhavan,
New Delhi – 110 001.
6. Chief Works Manager,
Jamalpur Workshop, Eastern Railway,
Jamalpur, Chhotipul Jamalpur,
Bihar – 811214.

.. Respondents

7. A.Q. Khan,

Deputy Chief Mechanical Engineer (Crane),
Jamalpur Workshop, Eastern Railway,
Jamalpur, Chhotipul Jamalpur,
Bihar – 811214.

.. Private Respondent

For the Applicant : Mr. C. Sinha, Counsel
For the Respondents : Mr. S. Banerjee, Counsel

ORDER (Oral)

Heard Mr. C. Sinha, Ld. Counsel for the applicant and Mr. S. Banerjee, Ld. Counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal, 1985 challenging the impugned ACR/APAR for the period from 1.6.2012 to 31.3.2013 communicated vide letter dated 16.9.2013, letter dated 31.12.2013/6.1.2014, ACR/APAR for the period from 1.4.2013 to 13.9.2013 communicated vide letter dated 10.7.2014, letter dated 8.9.2014, ACR/APAR for the period 24.9.2013 to 31.3.2014, letter dated 8.9.2014, ACR/APAR for the period from 1.4.2014 to 31.1.2015 and letter dated 20.7.2015, impugned letter dated 5.7.2016 issued by Director (Estt.), Railway Board, non-consideration and non-disposal of representation dated 21.4.2016 and 11.7.2016 submitted by the applicant and impugned letters dated 31.12.2013/6.1.2014, 8.9.2014 and 8.9.2014, 20.7.2015 with the following reliefs:-

- "a. Set aside and quash impugned ACR/APAR for the period from 1.6.2012 to 31.3.2013 communicated vide letter dated 16.9.2013, letter dated 31.12.2013/6.1.2014, ACR/APAR for the period from 1.4.2013 to 13.9.2013 communicated vide letter dated 10.7.2014, letter dated 8.9.2014, ACR/APAR for the period 24.9.2013, 31.3.2014, letter dated 8.9.2014, ACR/APAR for the period from 1.4.2014 to 31.1.2015 and letter dated 20.7.2015 and/or to expunge the adverse remarks as incorporated in the ACR/APARs for the year ending 2012-2013, 2013-2014, 2014-2015.
- b. To direct the respondents to consider his case for promotion to Jr. Administrative Grade (JAG) and incorporate his name in panel dated

Alle

5.7.2016 above serial no. 21 and below serial no. 20 with all consequential benefits.

c. To set aside and quash impugned letters dated 31.12.2013/6/1/2014, 8.9.2014 and 08.9.2014, 20.7.2015.

d. Any other order or order(s) as the Hon'ble Tribunal deems fit and proper."

3. The facts in a nut shell are that the applicant was appointed on 1.4.1988 in the Eastern Railway as Chief Train Examiner Gr. II and was posted in the Sealdah Division. The applicant was further promoted by ranks to the post of DME (Divisional Mechanical Engineer) and is at present working as Works Manager (DSL), Jamalpur Workshop. That the ACR/APAR of the applicant has been downgraded by the competent authority without assigning any reason and as such applicant's name do not figure in the panel dated 5.7.2016 of Officers who were appointed to officiate in Jr. Administrative Grade w.e.f. 23.6.2016. Being aggrieved by the said action of the respondents, the applicant submitted representations against the same which has not yet been considered and disposed of and hence the applicant has filed this instant O.A.

4. Mr. C. Sinha, Ld. Counsel 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 11.7.2016 within a specified time frame.

5. Therefore, without waiting for the reply I think it appropriate to dispose of this O.A. by directing the respondent No. 4 that if any such representation has been preferred on 11.7.2016 and is still pending consideration then the same may be considered and disposed of within a period of two months under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

All

6. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. C. Sinha undertakes to deposit necessary cost by Friday.

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

No costs.


(A.K. Patnaik)
Judicial Member

SP