

O.A-350/1475/2017

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANTS:

1. Koushik Samanta, son of Banchharam Samanta, aged about 31 years, residing at Village Kururia, Post Office - Amrai, Durgapur, Pin 713203
2. Satbant Kumar, son of Gyani Uidyarathi, aged about 25 years, residing at Village Amokhari, Post office - Bargawon, P.S. - Sirdala, Dist- Nawada, Pin 805122
3. Raju Kumar Yadav, son of Baijnath Yadav, aged about 27 years, residing at Village Nasira, Post Office - Kohara, P.S. - Jaudpur, Dist. - Chapra Saran, Pin 841205
4. Satyajee Keshri, son of Awa Desh Keshri, aged about 29 years, residing at Village - Lupong, Post Office - Silli, P.S. - Silli, Dist. - Ranchi, Pin 835102
5. Sunil Kumar, son of Brajlal Prasad, aged about 35 years, residing at Village - Muradchak, PO. - Barni, P.S. - Barni, P.S. - Dhanarua, District - Patna, Bihar, Pin 804452
6. Shashi Kumar, son of Raj Dev Prasad, aged about 25 years, residing at Village - Kadirpur, P.S. - Belhari, P.S. - Belaganj, District - Gaya, Bihar, Pin 804403

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7. Rajesh Prasad, son of Raghu Nandan Prasad, aged about 34 years, residing at Village - Jagdishpur, Post Office - Nirpur, P.S. - Nalanda, District - Nalanda, Pin 803111
8. Neeraj Kumar, son of Janardan Singh, aged about 32 years, residing at Village - Malti, Post Office - Dariyapur, District - Gaya, Bihar, Pin 805129
9. Kanhal Paswan, son of Raj Kumar Dusad, aged about 33 years, residing at Village Muraidih QN 263, Post Office - Rochri (Nawagarn), District - Dhanbad, Pin 828306
10. Vicky Kumar, son of Ramsharan Prasad, aged about 26 years, residing at Village Muttiyachak, Post Office - Makhdumpur, P.S. - Tankuppa, District - Gaya, Pin 824232
11. Rajmani Kumar, son of Shivdani Yadav, aged about 24 years, residing at Village Khagaur, Post Office - Kiul (R.S.) P.S. & District - Lakhisarai, Pin 811310.
12. Ram Eoubal Paswan, son of Bashan Paswan, aged about 37 years, residing at Village - Sonbarsha, Post Office - Raibigha, District - Gaya, Bihar, Pin 804424
13. Dinesh Saw, son of Bahadur Saw, aged about 33 years, residing at Village - Chitahi Basti, Post Office - Tundoo, P.S. - Barora, District - Dhanbad, Jharkhand, Pin 828128
14. Krishna Malakar, son of Sunil Malakar, aged about 37 years, residing at 11/5/1, Cossipure Road, P.S. - Chitpure, Post Office - Cossipur, Kolkata 700 002, West Bengal



15. Sanjoy Kumar Ojha, son of Ananta Kumar Ojha, aged about 37 years, residing at 23/22, Chandi Das Avenue, Post Office -Durgapur, District - Burdwan, Pin 713205, West Bengal

16. Binod Nigam, son of Arun Kumar Das, aged about 29 years, residing at Village Hundaily, Post Office - Bastaul, P. S. - Pranpur, District- Katihar, Pin 854116

17. Naresh Kumar, son of Jag Naeoyan Prasad, aged about 27 years, residing at C-15/D, Street No. 37, Mahavir Enclave, Part III New Delhi, Post Office - Uttam Nagar, District Delhi, Pin 110059

..... APPLICANTS

V E R S U S -

- (A) The Union of India, through the General Manager, South Eastern Railway, Garden Reach Road, Kolkata 700 043
- (B) The Chairman, Railway Recruitment Cell, South Eastern Railway, Garden Reach Road, Kolkata 700 043
- (C) The Asstt. Personnel Officer, South Eastern Railway, Garden Reach Road, Kolkata 700 043

..... RESPONDENTS



O.A.No.350/1475/2017
M.A.No.350/865/2017

Date : 07.12.2017

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

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr.B.L. Gangopadhyay, counsel

ORDER

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"(I) An order do issue directing the respondent to grant appointment in favour of the applicants who were declared suitable in written PET and Medical test and empanelled against employment notice no. ACR/RRC/02/2012.

(II) Leave may be granted to file this Original Application Jointly under rule 4(5)(a) of the CAT Procedure Rules, 1987."

2. Heard Mr. A. Chakraborty, Id. counsel for the applicants. Mr. B.L. Gangopadhyay who usually appears for the respondents is present in the court.

On my instruction, Mr. Chakraborty has served copies of the M.A. and O.A. to him.

3. The applicants have also filed an M.A.No.350/865/2017 seeking permission to file this O.A. jointly under Section 4(5)(a) of CAT(Procedure) Rules, 1987.

Having heard both sides, the M.A. is allowed.

4. Brief facts of the case as narrated by the Id. counsel for the applicants Mr. A. Chakraborty are that an employment notification was issued by South Eastern Railway for appointment in Group-D Post and Admit Cards were also issued in

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favour of the applicants. Mr. Chakraborty submitted that an order was passed by the Hon'ble Tribunal in respect of **Gyani Prasad & Ors.** wherein a direction was given to the respondents to grant appointment in favour of **Gyani Prasad & Ors** and also in respect of those who were declared suitable and empanelled. Ld. counsel Mr. Chakraborty submitted that the applicants made representation to the Respondent No.(B) on 06.09.2017(Annexure A/4) praying for appointment in Group 'D' post pursuant to the notification No.ACR/RRC/2/2012 dated 29.09.2012 since they were declared suitable in written PET and in Medical Test in view of the order passed by this Tribunal in case of **Gyani Prasad & Ors.**, but that has not been considered and disposed of till today.

5. Ld. counsel for the applicants (Mr. A. Chakraborty) submits that the applicants would be satisfied for the present if a direction is given to the Respondent No.(B) i.e. the Chairman, Railway Recruitment Cell, South Eastern Railway, Garden Reach Road, Kolkata-700043 to consider and dispose of the representation of the applicant dated 06.09.2017(Annexure A/4) as per the rules and regulations in force and communicate the decision to the applicant within a specific time frame.

6. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicants submitted representation to the authorities ventilating their grievances, no reply has been received by them till date.

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7. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

"17. Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."

8. Though no notice has been issued to the respondents for filing reply, considering the aforesaid facts and circumstances I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicants as per the relevant rules and regulations governing the field. Accordingly the Chairman, Railway Recruitment Cell, South Eastern Railway, Garden Reach Road, Kolkata-700043 i.e. the Respondent No.(B) is directed to consider and dispose of the representation of the applicants dated 06.09.2017(Annexure A/4), if such representation is still pending for consideration, by passing a well reasoned order as per rules within a period of six weeks from the date of receipt of a certified copy of this order and communicate the decision to the applicant forthwith. Though I have not gone into the merits of the case, and all the points raised in the representation are kept open for consideration by the respondent authorities, I hope and trust that while passing orders on the representation of the applicants the respondents shall consider the applicability of the order of this Tribunal passed in the case of **Gyani Prasad & Ors.** in case of the applicants in this O.A. and pass necessary orders

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accordingly. If the applicant's claim is found to be genuine, necessary steps shall be taken by the respondents for granting the benefits to the applicants within a period of further six weeks from the date of taking decision in the matter.

9. As prayed by Id. Counsel for the applicant Mr. A. Chakraborty, a copy of this order along with the paper book may be transmitted to the Respondents No.(B) by speed post by the Registry for which Mr. Chakraborty undertakes to deposit the cost within one week.

10. With the above observations both the O.A. and M.A. stand disposed of. No order as to cost.


(A.K. Patnaik)
Judicial Member

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