

7

LIBRARY

O.A.No.350/1489/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

Goutam Kumar Jati, Son of late Nirmal Kumar Jati, aged about 51 years, residing at Village - Raghunathpur, Post office - Raghunathpur, District - Hooghly, Pin 712247, West Bengal.

..... APPLICANT

VERSUS -

- i) The Union of India, through the General Manager, South Eastern Railway, Garden Reach Road, Kolkata 700 043
- ii) Senior Divisional Signal and Telecommunication Engineer, South Eastern Railway, Kharagpur
- iii) Senior Divisional Personnel Officer, South Eastern Railway, Kharagpur

..... RESPONDENTS

W.L.

O.A.No.350/1489/2017

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 applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"The order of posting dated 07.08.2017 in respect of the applicant issued by Senior Divisional Personnel Officer cannot be sustained in the eye of law and the same may be quashed."

2. Heard Mr. A. Chakraborty, Id. counsel for the applicant. Mr. B.L. Gangopadhyay who usually appears on behalf of the South Eastern Railway, is present in the court. On my instruction, Mr. Chakraborty has served a copy of the O.A. to Mr. Gangopadhyay.

3. Brief facts of the case as narrated by the Id. counsel for the applicant Mr. A. Chakraborty are that the applicant is working as Senior Technician under Senior Section Engineer (Signal) Ulubria and posted at Chengail and while he was working at Bauria under the self same authority made a prayer before the Senior DSTE, South Eastern Railway, Kharagpur stating inter alia that he will have to look after his old mother aged about 60 years who is suffering from various ailments at his native place Uttarpara. Mr. Chakraborty further submitted that the authority concerned was requested to post him at Tikiapara so that he can perform his duties peacefully and without having any mental tension. It has been submitted



by Mr. Chakraborty that on 24.06.2016 a list in respect of posting on own request was published by the authority concerned whereby the applicant was posted at TPKP. The said Order of posting was subsequently cancelled and another office order was issued on 07.08.2017 by which the applicant was transferred and posted at Mourigram under SSE/S/SRC. Mr. Chakraborty also submits that the applicant made an application before the authority concerned praying for his transfer at Tikiapara so that he can look after his ailing mother who is residing at Uttarpara, waited for 8 years and his prayer for posting at Tikiapara was granted but subsequently for unknown reasons, the transfer order was cancelled and he was transferred to Mourigram against his own will.

4. Ld. counsel for the applicant Mr. A. Chakraborty submits that the applicant has filed a representation to the Respondent No.(ii) i.e. Senior Divisional Signal and Telecommunication Engineer, South Eastern Railway, Kharagpur on 18.08.2017(Annexure A/7) which has not yet been decided. Mr. Chakraborty further submits that the applicant would be satisfied for the present if the Respondent No.(ii) is directed to consider the representation of the applicant dated 18.08.2017(Annexure A/7) as per the rules and regulations in force and communicate the decision to the applicant within a specific time frame.

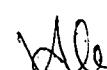
5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as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



6. 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."

7. 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 applicant as per the relevant rules and regulations governing the field. Accordingly the Respondent No.(ii) i.e. the Senior Divisional Signal and Telecommunication Engineer, South Eastern Railway, Kharagpur is directed to consider and dispose of the representation of the applicant dated 18.08.2017(Annexure A/7), if such representation is still pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of six weeks from the date of receipt of a certified copy of this order. 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 if the applicant's claim is found be genuine, the benefits as claimed in the representation, shall be granted to him by the respondent authorities within a period of further six weeks from the date of taking decision in the matter.



8. 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 Respondent No.(ii) by speed post by the Registry for which Mr. Chakraborty undertakes to deposit the cost within one week.

9. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

sb