

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 1509 of 2016

1. Prabir Bhowmick

son of Late Dina Moni Bhowmick  
aged about 57 years, working as Track  
Maintainer, Gr-II, in the office of  
Sr. S.S.E. (P.Way), Chitpur, Eastern  
Railway, Kolkata 700037, residing at  
64, Subhas Avenue, Debnath Apartment,  
P.O. & P.S. Ranaghat, Dist. Nadia,  
Pin 741201.

2. Shambu Sheet, son of Late Laxman Sheet,  
aged about 55 years, working as Track  
Maintainer, Gr. II, in the office of  
Sr. S.S.E. (P.Way), Chitpur, Eastern  
Railway, Kolkata 700037, residing at  
Vill. Muzjapore, P.O. & P.S. Singur,  
Dist. Hooghly, Pin 712409.

.... Applicants

Versus

1. Union of India, through the General  
Manager, Eastern Railway, 17, N.S. Road,  
Fairlie Place, Kolkata 700 001.

2. Divisional Railway Manager,  
Eastern Railway, Sealdah Division,  
K. D.R.M. Building, Kolkata 700 014.

contd.. 2

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3. Senior Divisional Personnel Officer,  
Eastern Railway, Sealdah Division,  
Kolkata 700014.

4. A.E.N./~~2~~SDAH, Eastern Railway,  
Sealdah Division, Sealdah, Kolkata 700014.

5. Sr. S.E./P.W. Eastern Railway, Sealdah  
Division, ~~Chitpur~~ Kolkata 700037.

6. Chief Track Engineer, Eastern  
Railway, Sealdah Division, Sealdah,  
Kolkata 700 014.

... Respondents

W.L

No. O.A. 350/01509/2016

Date of order: 26.10.2017

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

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : None

**O R D E R (Oral)**

**A.K. Pattnaik, Judicial Member:**

Heard Mr. T.K. Biswas, Ld. Counsel for the applicant.

2. This OA has been filed by Shri Biswadev Bose challenging Order No. 1/17E/Re-Structuring dated 30.5.2016, Order No. 22/E/CP dated 26.7.2016 and act and omissions on the part of the respondents in not considering the representation dated 29.8.2016 till date. This O.A. has been filed praying for the following reliefs:

"(a) An order directing the respondents to set aside the order dated 21.5.2016 (Annexure A-1) and order dated 26.7.2016 (Annexure A-4) and thereafter, further directing the respondents to complete the selection process to post of Track Maintainer Gr. II with G.P. Rs. 2400/- according to Railway Order dated 21.3.2016 (Annexure A-2) and 30.5.2016 (Annexure A-3) basis if the applicants are suitable then issue the promotion order to the post of Track Maintainer Gr. I with Grade Pay of Rs. 2800/- in favour of the applicants;  
(b) An order directing the respondents to produce all the relevant records of the case which was relating to this case;  
(c) Leave may be granted to move this application jointly under Section 4(5)(a) of the CAT Procedure Rules, 1987;  
(d) Any other order/orders as to this Hon'ble Tribunal may deem fit and proper."

4. The facts in a nut shell as per Mr. Biswas, Ld. Counsel for the applicant are that in terms of Railway Board's order it was clearly mentioned that persons, who are working in the post of Track Maintainer Gr. II with G.P. Rs. 2400/- in the Department, their selection must be completed according to Railway Board's order dated 21.3.2016 and 30.5.2016 and thereafter promotion order with issue to the post of Track Maintainer with G.P. Rs. 2800/- But without due process of selection the respondents have

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sent the applicants to work in the post of Keyman with Grade Pay of Rs. 2400/- which is in the same Grade Pay. The applicants seek to set aside the order dated 21.5.2016 and 26.7.2016 and to complete the selection process of Track Maintainer with Grade Pay of Rs. 2400/- as per Railway Board's order dated 21.3.2016 and 30.5.2016. They preferred representation dated 29.8.2016, which is still pending consideration.

5. Mr. Biswas, Ld. Counsel for the applicants 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 29.8.2016 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 4 that, if any, such representation as claimed by the applicants has been preferred on 29.8.2016 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order. It is further prayed that the representation dated 29.8.2016 has been preferred in a combined manner by many applicants. However, respondent No. 4 is directed to give individual replies to all the applicants.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicants' 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 29.8.2016 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.

8. With the aforesaid observation and direction, the O.A. is disposed of.
9. As prayed for by Mr. Biswas, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Biswas undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)  
Administrative Member

(A.K. Pattnaik)  
Judicial Member

SP

