

**No. M.A. 350/00874/2017
O.A. 350/01516/2017**

Date of order: 9.1.2018

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

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. S.Banerjee, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. N. Roy, Ld. Counsel for the applicant and Mr. S. Banerjee, Ld. Counsel for the official respondents.

2. The Miscellaneous Application No. 350/00874/2017 filed for joint prosecution is allowed.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

“(a) To issue direction upon the respondents to give cadre closing pay benefit with effect from 30.11.2015 forthwith.

(b) To issue further direction upon the respondents to consider the representation dated 12.1.2017 and 26.9.2017.

(c) To produce connected Departmental Record at the time of hearing.

(d) Any other order or orders as the learned Tribunal deem fit and proper.

(e) Leave may be granted to the applicants to file joint application under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987.”

4. As prayed for by Mr. N. Roy, Ld. Counsel for the applicant, the applicants are all working under the Eastern Railway as Technician - III.

The respondent authority has issued an order on 25.1.2014 seeking option from Technician - III for their assignment /posting in new project at Dankuni and according to that all the applicants have joined Dankuni Workshop, Eastern Railway on 19th February, 2014. The CPO has issued memorandum that the closing of the cadre of the Mechanical Department at Diesel Loco Component Factory, Eastern Railway, Dankuni for forming a separate seniority wing under Administrative Control of Eastern Railway. The applicants are working since 2014 at Dankuni Workshop. They seeks for cadre closing benefit, but no decision has been taken by the respondent authorities. They preferred representations dated 12.1.2017 and 26.9.2017, which are still pending consideration.

5. Mr. Roy, Ld. Counsel for the applicant 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. 2 & 3 to dispose of the representations dated 12.1.2017 and 26.9.2017 within a specific time frame.

6. Though no notice has been issued still then I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 2 & 3, that if any such representation have been preferred on 12.1.2017 and 26.9.2017 and the same are still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of three months from the date of receipt of a copy of this order 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.

7. I make it clear that I have not gone into the merits of the matter and

all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent No. 2 & 3 by speed post for which Mr. Roy undertakes to deposit necessary cost in the Registry by the next week.

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

SP



(A.K. Patnaik)
Judicial Member