

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. OA 350/1595/2017

Date of order : 3.5.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

PACHA DAS @ MOHAN DAS

S/o late Rishilal Das
Vill - Ramchandrapur,
PO - Diamond Harbour,
PS - Diamond harbour,
Dist. - South 24 Parganas,
Pin - 743331.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi - 110001.
2. The Sr. Divisional Personnel Officer,
Eastern Railway,
Sealdah Division,
Kolkata - 700009.
3. The General manager,
Eastern Railway,
Fairly Place,
Kolkata - 700001.
4. The Sr. Divisional Commercial Manager,
Eastern Railway,
Sealdah Division,
Kolkata - 700009.
5. The Station Manager,
Diamond Harbour Railway Station,
Eastern Railway,
Sealdah Division,
Diamond Harbour,
PO - Diamond Harbour,
PS - Diamond Harbour,
Dist. - South 24 Parganas,
Pin - 743331.
6. The Joint Director,
Railway Board,
Rail Bhawan,
New Delhi - 110001.
7. Saifuddin Fakir,
S/o Late Alauddin Fakir.

8. Kanai Mondal,
S/o Late Nemai Mondal,
Both of Vill - Ramchandrapur,
PO - Diamond Harbour,
PS - Diamond Harbour,
Dist. - South 24 Parganas,
Pin - 743331.

9. Sri Dukhiram Mondal,
S/o late Manik Mondal,
Vill - Kalinagar,
PO - Diamond Harbour,
PS - Diamond Harbour,
Dist. - South 24 Parganas,
Pin - 743331.

10. Sri Mondal Mondal,
S/o Late Nemai Mondal,
Vill - Raynagar,
PO - Diamond Harbour,
PS - Diamond Harbour,
Dist. - South 24 Parganas,
Pin - 743331.

11. Sri Badal Ghosh,
S/o Late Haripada Ghosh,
Vill - Raynagar,
PO - Diamond Harbour,
PS - Diamond Harbour,
Dist. - South 24 Parganas,
Pin - 743331.

12. Sri Biswajit Das,
S/o Late Dhananjoy Das,
Vill - Raynagar,
PO - Diamond Harbour,
PS - Diamond Harbour,
Dist. - South 24 Parganas,
Pin - 743331.

For the applicant : Mr. A.N. Sen, counsel

For the respondents: Mr. P.B. Mukherjee, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr. A.N. Sen, Id. Counsel appeared for the applicant and Mr. P.B. Mukherjee, Id. Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, seeking the following reliefs :

- a) An order directing the respondents to consider the application and pay equal salary for equal work and for similar qualification;
- b) An order commanding the respondents, their agents, subordinates to produce and/or caused to be produced the records of the case before this Hon'ble Tribunal, so that conscionable justice may be done by quashing and/or granting the prayer of applicant;
- c) An order commanding the private respondents to produce private respondents original 10th pass qualification certificates.
- d) To make the absolute, if appropriate authority fail to show sufficient cause.
- e) Any other or further order or orders as to your Lordships and/or the Hon'ble Court or Tribunal; may deem fit and proper.

3. The brief facts of the case as narrated by the applicant is that the applicant is a licence porter under the Eastern Railway, Sealdah Division. He lost his porter badge No. 1735 on 26.5.2008, and after searching for some days lodged a diary before the Diamond Harbour PS on 30.5.2008. The applicant informed the matter to the Station Manager, Diamond Harbour Railway Station with a prayer for getting new metal badge against the lost metal badge, who in turn submitted a report before the Sr. Commercial manager, Eastern Railway, Sealdah Division enclosing all the papers submitted by the applicant including the copy of the GD entry at Diamond Harbour PS for taking suitable action.

The applicant further stated that the Sr. Divisional personnel Officer, Sealdah Division by his letter dated 27.5.2008 directed the applicant along with other 31 persons to appear before the Selection Committee on 29.5.2008 for the purpose of Screening Test. The applicant appeared with all papers and documents but could not produce the badge. Later on the applicant preferred application to Sr. DCM on 10.3.2009 and to Sr. DPO on 26.7.2010 reiterating his prayer for getting a new metal badge, but he did not get any response. Being aggrieved the applicant moved this Tribunal in OA 752/2011 which was disposed of on 6.6.2012 with a direction upon the respondent No.2 to consider the representation of the applicant dated 26.7.2010 and pass necessary orders.

After the order of this Tribunal the applicant was appointed as Lineman on 20.2.2014. Now his grievance is that private respondents are getting higher salary and other benefits for similar work, whereas the applicant is deprived of such benefit. The applicant has preferred a representation dated 2.8.2017

which is still pending before the respondent authorities. Hence the applicant has approached this Tribunal in the present OA.

4. Mr.Sen, Id. Counsel for the applicant at this stage prays for a direction upon the respondent authorities to consider and dispose of the representation preferred by the applicant dated 2.8.2017 within a specific time frame. Id. Counsel for the respondents has no objection if such prayer is allowed.

5. I have heard both the Id. Counsels and perused the pleadings and materials placed before us.

6. By accepting the prayer made by the Id. Counsel for the applicant and without going into the merits of the case, I hereby dispose of the present OA with a direction upon the respondent authorities to consider and dispose of the representation preferred by the applicant, dated 2.8.2017 within a period of three months from the date of receipt of the copy of this order and pass a reasoned and speaking order. The decision so arrives shall be communicated to the applicant forthwith.

7. With the above observation and direction the OA stands disposed of. No order as to costs.



(MANJULA DAS)
JUDICIAL MEMBER

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