



BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

O.A. No. 350/01612 of 2016

Paritosh Ghosh (Railway Employee)

Son of Late Manik Ghosh

Village- Baharu, P.O. Baharu,

P.S. Joynagar, District - 24 Parganas(S).

Pin - 743372

.....Applicant

-Versus-

1. Union of India, Service through the Secretary, Govt. of India, Department of Railway, New Delhi.
2. General Manager, Eastern Railway, Fairly Place, Kolkata - 700001.
3. Divisional Railway Manager, Eastern Railway, Sealdah, Kolkata - 700014.
4. Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700014.
5. Station Manager, Lakshmikantapur, P.O.-Ghateswara, P.S. Mandir Bazar, Pin - 743336.

Abu

No. O.A. 350/01612/2016

Date of order: 26.4.2017

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

For the Applicant : Mr. D. Mondal, Counsel

For the Respondents : Mr. A.K. Guha, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member

Heard Mr. D. Mondal, Ld. Counsel appearing for the applicant and Mr. A.K. Guha, Ld. Counsel appearing for the respondents.

2. This OA has been filed by Paritosh Ghosh, son of Late Manik Ghosh, who was working as a Group 'D' Staff/Substitute in the Eastern Railway under Section 19 of the Administrative Tribunals Act 1985 challenging in action on the part of the Respondent Authority to regularize his appointment dated 6.5.1996 as Group 'D' staff/Substitute at Lakshmikantapur Railway Station, South 24 Parganas despite publishing an absorption list dated 28.5.2003 and also non-consideration of his representation dated 24.9.2016. This O.A. has been filed praying for the following reliefs:

"a) An order directing the Respondent Authorities, their agents, servants and subordinates and men to regularize your applicants service appointment dated 06.05.96 working as Substitute / Group - D staff at Lakshmikantapur Railway station under Sealdah Division, Eastern Railway in view of the panel dated 28.5.2003 prepared by the Respondent Authority and to pay his salary since the very date of the panel and other benefits by considering the representation dated 24.9.16 mentioned in Annexure 'E' to this application."

3. The facts in a nut shell are that the applicant's educational qualification is Class-IV and a certificate to that effect was also issued in his favour by Raipur Dayarampur F.P. School on 16.8.1983. He was appointed as Group 'D' staff/Substitute in Eastern Railway in the year 1996. On 28.5.2003, the Assistant Personnel Officer, Eastern Railway prepared a panel for

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absorption of such employees on regular basis and in the said panel the name of the applicant was placed at Srl. No. 91. Almost all the candidates of the said panel have been regularized except the applicant.

4. Mr. Mondal, Ld. Counsel for the applicant submitted that though the applicant's name has been reflected in the panel and he has been placed at Srl. No. 91 but except him everybody has been regularized and till date he has not received proper consideration of his case.

5. Ventilating his grievance, the applicant has already preferred a representation on 24.09.2016 (Annexure "A-6") to the respondent Nos. 2, 3, 4 and 5. Though almost one year is going to lapse but till date no response has been given by any of the respondents.

6. Mr. Mondal, 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. 4 to dispose of the representation dated 24.09.2016 within a specific time frame.

7. 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 No. 4, that if any such representation have been preferred on 24.09.2016 and the same is still pending consideration, then it may be considered keeping in mind the placement of the applicant in panel in which his name is placed at Srl. No. 91 and disposed of by way of a well-reasoned order within a period of one 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 the benefits/regularisation of his service.

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8. 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.

9. A copy of this order along with paper book be transmitted to the respondent Nos. 4 by speed post for which Mr. Mondal undertakes to deposit necessary cost in the Registry within a week.

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

(A.K. Patnaik)
Judicial Member

SP