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Through
Ashwanti
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
KOLKATA BENCH

An Application Under Section 19 of the Administrative Tribunal Act, 1985.

O. A. No. 1630 Of 2016.

In The Matter Of :-

Jayati Goswami,

Wife Of Late Bidyut Goswami,

Working For Gain as J. Peon, Admn,

Controller Of Stores, Chittaranjan

Locomotive Works, Having Its Office At

Tollygunge Metro Railway Car Shed,

Deshapran Sashmal Road, Kolkata-700040 &

Residing At Plot No.527, "C" Block, Sodpur.

Post Office & Police Station-Ghola, District-

North 24 Parganas, Pin Code-700110.

..Applicant

-Versus-

1. Union Of India,

Service Through The Secretary, Ministry Of

Railways, Having Its Office At Rail Bhawan

New Delhi-110001.

2. Chittaranjan Locomotive Works,
Ministry Of Railways, Government Of India,
Service Through The General Manager,
Having Its Office At Chittaranjan, Post Office
& Police Station-Chittaranjan, District-
Burdwan, Pin Code-713331.

3. The Senior DMO & Presiding Officer,
Chittaranjan Locomotive Works, Office At
Chittaranjan, Post Office & Police Station-
Chittaranjan, District-Burdwan, Pin Code-
713331.

4. The Chief Material Manager (M),
Chittaranjan Locomotive Works, Having Its
Office At Tollygunge Metro Railway Car Shed,
Deshapran Sashmal Road, Kolkata-700040.

5. The Chief Material Manager (EL),
Chittaranjan Locomotive Works, Having Its
Office At Tollygunge Metro Railway Car Shed,
Deshapran Sashmal Road, Kolkata-700040.

6. The Deputy Chief Material Manager ,
(III), Chittaranjan Locomotive Works, Having
Its Office At Tollygunge Metro Railway Car

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Shed, Deshapran Sashmal Road, Kolkata-
700040.

7. The Superintending Material Manager-
(II), Chittaranjan Locomotive Works, Having
Its Office At Tollygunge Metro Railway Car
Shed, Deshapran Sashmal Road, Kolkata-
700040.

8. The Controller Of Stores (COS),
Chittaranjan Locomotive Works, Having Its
Office At Tollygunge Metro Railway, Car
Shed, Deshapran Sashmal Road, Kolkata-
700040.

9. The Internal Complaint Committee,
Consisting Of 1) Sri S.Azam 2) Sri A.K.
Sachan & 3) Smt. Bijoya Pal, Chittaranjan
Locomotive Works, Having Its Office At
Tollygunge Metro Railway, Car Shed,
Deshapran Sashmal Road, Kolkata-700040.

10. Sri Sandip Kumar Auddy,
Working For Gain as CG-II, Controller Of
Stores, Chittaranjan Locomotive Works,

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Having Its Office At Tollygunge Metro Railway
Car Shed, Deshapran Sashmal Road, Kolkata-

700040.

...Respondents

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No. O.A. 1630/2016

Date of order: 2.5.2017

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

For the Applicant : Mr. A. Ahmed, Counsel

For the Respondents : None

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. A. Ahmed, Ld. Counsel appearing for the applicant.

2. This OA has been filed by Jayati Goswami, working as J. Peon under Admn. Controller of Stores, Chittaranjan Locomotive Works having its office at Tollygunge Metro Railway Car Shed, Deshapran Sashmal Road, Kolkata challenging the illegal and arbitrary acts and actions on the part of the Respondent Authorities in issuing her the show cause notice No. GMA/CAS/SKA(268) dated 2.5.2016 by which she has been directed to explain why she should not be taken up under the D&A Rules for vitiating the office premises by making false allegations to the Controller of Stores, Chittaranjan Locomotive Works despite being an victim of sexual harassment at her place of work. She duly submitted her reply to the said show cause notice on 17.5.2016 but despite acting upon the same she is being proceeded on the basis of the show cause notice issued against her on 2.5.2016. This O.A. has been filed praying for the following reliefs:

"a) A mandatory order be passed directing the Respondent authorities their men, agents, subordinates and each one of them particularly the Controller of Stores (COS), Chittaranjan Locomotives Works, Respondent No.8 herein to forthwith take steps to quash, cancel rescind, revoke, withdraw and not to give any effect or further effect to the Show Cause Notice No. GMA/ CAS/SKA(268) dated 2nd May, 2016 being Annexure- "A-10" to this instant original application and conduct a De-Novo enquiry on the basis of the complaint made by the applicant being Annexure- "A-1" to this Original Application.

b) A mandatory order be passed directing the Respondent authorities their me, agents, subordinates and each one of them particularly the Controller of Stores (COS), Chittaranjan Locomotive Works, Respondent No.8 herein to forthwith take steps to dispose of the Reply

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dated 23rd May, 2016 made by the applicant being Annexure-"A-12" to this Original Application.

C) To pass such other or further order or Orders as Your Lordships may deem fit and proper."

3. The facts in a nut shell as per Mr. A. Ahmed, Ld. Counsel for the applicant are that the applicant lodged a complaint to the Controller of Stores, Chittaranjan Locomotive Works on 27.2.2015 alleging sexual harassment at her work place. An Internal Complaint Committee was constituted to enquire into the matter and she appeared before the said committee. Thereafter she alleged that the Internal Complaint Committee to be biased and demanded for de-novo enquiry on the basis of several ground which were overlooked by the said committee. On 2.5.2016 a show-cause notice was served upon her and the applicant duly replied to the same on 23.5.2016.

4. Mr. Ahmed, 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. 8 to dispose of the representation dated 23.5.2016 within a specific time frame.

5. 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. 8, that if any such representation have been preferred on 23.5.2016 and the same is still pending consideration, then it may be considered 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 those benefits

to the applicant.

6. 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.

7. A copy of this order along with paper book be transmitted to the respondent No. 8 by speed post for which Mr. Ahmed undertakes to deposit necessary cost in the Registry by coming Monday.

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

9. I make it clear that status quo as on date in so far as the applicant is concerned be maintained till and no further coercive action will be taken against her till the disposal of the representation dated 23.5.2016.

(A.K. Patnaik)
Judicial Member

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