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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

O.A. No. 350/1633 of 2017,
M.A. No. 350/905/2017

1. Sri Nirmal Biswas, son of Late Jitendra Nath Biswas, working as Technician Grade-II (Welder), Mechanical Deptt., Eastern Railway, Dunkuni, Hooghly. 712311
2. Sri Samir Kumar Biswas, son of Sachindra Nath Biswas, working as Technician Grade-II (Welder), Mechanical Deptt., Eastern Railway, Dunkuni, Hooghly, residing at Vill. Kola, P.O. + P.S.: - Bagdah, Dist.: North 24-Parganas, PIN - 743 232.
3. Sri Biswajit Naskar, son of Jaydeb Naskar, working as Technician Grade-II (Welder), Mechanical Deptt., Eastern Railway, Dunkuni, Hooghly, residing at Vill. Jamalpara, P.O.: - Kashinathpur, P.S.: - Rajarhat, Dist.: North 24-Parganas, PIN - 700 135.

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4. Sri Tarak Halder, son of Late Bimal Halder, working as Technician Grade-II (Welder), Mechanical Deptt., under Eastern Railway, Dunkuni, Hooghly, residing at Vill. - Majdia, P.O. - Charbrahma Nagar, P.S. - Nabadwip, Dist.: Nadia(W.B.), PIN - 741 301.

5. Sri Shambhu Bala, son of Late Sarat Bala, working as Technician Grade-II (Welder) Mechanical Deptt., under Eastern Railway, Dunkuni Hooghly, and residing at Vill. - Kashipur, P.O.-Kumra-Kashipur, P.S. - Habra, Dist.: North 24-Parganas, PIN - 743 271.

..... Applicants.

- Versus -

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

2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Kolkata-700 001.

3. The Chief Works Manager, Eastern Railway, Dunkuni, Dist.: Hooghly, 712 311.

4. The Deputy Chief Mechanical Engineer,

..... Respondents.

5. Sri Santanu Bhinda, working as Technician-I under E.Rly., Dunkuni, Hooghly.

..... Private Responder

W.C.

No.O.A.350/1633/2017
M.A.350/905/2017

Date of order : 10.01.2018

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

For the applicant : Mr. N. Roy, counsel
For the respondents : Mr. M.K. Bandyopadhyay, counsel

ORDER (ORAL)

Mr. A.K. Patnaik, J.M.

The instant O.A.No.350/1633/2017 has been filed by the applicants under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(a) To issue direction upon the respondents to give promotion for the post of Technician-I where the junior candidates have got promotion by the respondent authority. So, the applicants are not given promotion for the post of Technician-I forthwith.

(b) To issue further direction upon the respondents according to provisional seniority list serial no. 25, Sri.Santanu Dhinda (Junior Candidate) has got promotion for the post of Technician – I, the applicants are senior but not given promotion for the post of Technician-I. So promotion may be given for the post of Technician-I.

(c) To issue further direction upon the respondents to give promotion for the post of Technician-I forthwith.

(d) To issue further direction upon the respondents to consider the representation for promotion for the post of Technician-I forthwith.

(e) To issue further direction upon the respondents to give any other or orders as the Learned Tribunal deem fit and proper.

(f) To produce Connected Departmental Record at the time of Hearing.

(g) Leave may be granted under Rule 4(5)(a) of the CAT Procedure, 1987."

2. The applicants have also filed an M.A.No.350/905/2017 seeking permission to move the instant O.A. jointly under Section 4(5)(a) of C.A.T. Procedure Rules.

W.C.

In my opinion, this M.A. for joint prosecution cannot be allowed as the matter pertains to promotion.

3. Mr. N. Roy, Id. Counsel for the applicant submitted that the instant O.A. may be confined to the applicant No.1 only. He has also prayed for liberty to file separate O.As for other applicants.

The prayer of Mr. N. Roy is allowed.

4. Mr. N. Roy, Id. counsel for the applicant submitted that the applicant in the instant O.A.(only applicant No.1) would be satisfied if he is allowed to file a comprehensive representation ventilating his grievances therein to the Respondent No.2 i.e. the Chief Personnel Officer, Eastern Railway, Kolkata and the said authority is directed to consider and dispose of the same within a specific time frame.

5. Accordingly the applicant in the instant O.A.(only applicant No.1) is permitted to file a comprehensive representation to the Respondent No.2 i.e. the Chief Personnel Officer, Eastern Railway, Kolkata ventilating his grievances therein within 2 weeks and if such representation is filed within 2 weeks, the Respondent No.2 shall consider and dispose of the same as per the rules and regulations governing the field within a period of six weeks from the date of receipt of the same. If after such consideration the applicant's grievance is found to be genuine, then expeditious steps may be taken by the respondents to extend the benefits to the applicant within a further period of six weeks from the date of taking decision in the matter.

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6. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7. The applicant is granted liberty to enclose a copy of this order along with his representation while sending the same to the Respondent No.2, if he so desires.

8. With the above observations both the O.A. and M.A. stand disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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