



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O A NO. 350/1728/2017

Date of Decision: 21. 02.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Dr.(Ms.) Nandita Chatterjee, Administrative Member

Avijit Kumar Chakraborty,
son of Asit Kumar Chakraborty, aged about years,
by occupation Unemployed, residing at Village and Post
Office – Kirnahar, Police Station- Nanoor, District –
Birbhum, Pin -731302

..... Applicant.

Versus

1. UNION OF INDIA through the General Manager, Eastern Railway, 17, N. S. Road, Fairlie Place, Kolkata-700001;
2. The Chief Personnel Officer, Eastern Railway, 17, N. S. Road, Fairlie Place, Kolkata-700001;
3. THE DIVISIONAL RAILWAY MANAGER, Howrah Division, Eastern Railway, Post Office and District-Howrah-712201;
4. THE SR. DIVISIONAL PERSONNEL OFFICER, Howrah Division, Eastern Railway, Post Office and District-Howrah-712201;
5. THE STATION MASTER, Kirnahar Railway Station, Eastern Railway, Kirnahar, District-Birbhum, Pin-731302.

..... Respondents.

For the applicant : Mr. A P Lahiri, Counsel
For the respondents : None.

O R D E R

Ms. Manjula Das, Judicial Member

The applicant has filed this O. A. under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs :-

“(a) To pass an appropriate order directing upon the respondent authority to consider the representations dated 25.01.2015 and 12.08.2017 of the applicant with immediate effect for being appointed to the post of Group-D under Howrah Division, Eastern Railway otherwise the applicant will suffer irreparable loss and injury as he was under impression that he would be provided any service for his past service which he was rendered for more than 13 years as platform sweeper at Kirnahar Railway Station under Eastern Railway without any break;

(b) To pass an appropriate order directing upon the respondent authority to consider the case of the present applicant for being appointed to the post in question considering his representations as well as taking into account his past service under the railway authority without any break and after such consideration, the decision thereof, if any, be communicated to the applicant forthwith;

(c) To pass an appropriate order directing upon the respondent authority to consider the applicant's prayer afresh on the basis of his past service which has rendered for more than 13 years without any break and he has already acquired semblance of right for being appointed to the post of Group-D under the Railway Authority namely Howrah Division, Eastern Railway, failing which the entire purpose of applicant's prayer would be frustrated;

(d) Any other relief or reliefs as Your Honour may deem fit and proper.”

2. Brief facts of the O A as narrated by the Ld. Counsel for the applicant are that the applicant was appointed as Platform Sweeper at Kirnahar Railway Station, Birbhum under Eastern Railway in the year 2000 and started to perform his duty in the said railway station on and from 01.01.2000. Ld. Counsel for the applicant submitted that initially the respondent authorities paid the applicant a consolidated a sum of Rs.500/- per month and subsequently enhanced his pay from time to time. It was further submitted by the Ld. Counsel for the applicant that since 01.01.2000 the applicant started to render his service as Platform



sweeper and continued to work as such till 09.06.2013 and no complaint was ever raised from the respondents' side regarding his work and finally the applicant used to receive Rs.2,000/- per month from 01.01.2011 to 09.06.2013. According to the Ld. Counsel for the applicant the applicant rendered more than 13 years of unblemished service but suddenly on 09.06.2013 he was not allowed to perform his duty on instruction of the Station Master, Kirnahar Railway Station. The Ld. Counsel for the applicant submitted that the applicant repeatedly requested the concerned Station Master of the concerned railway station to take necessary measures in order to regularize his services under the Eastern Railway, Howrah Division but the said authority did not pay any heed to his request. Ld. Counsel for the applicant further submitted that the applicant made representations to all concerned including the Ministry of Railway enclosing all relevant documents on 25.01.2015 with a prayer to consider his case sympathetically for regularization of his services against a permanent post, but no step has been taken by the authorities to consider his prayer. Ld. counsel for the applicant submitted that the applicant made another representation to the Divisional Railway Manager, Howrah Division, Eastern Railway on 12.08.2017 along with all the relevant documents ventilating his grievances, but no reply has been received by the applicant till date.

Being aggrieved by such inaction on the part of the respondents the applicant has approached this Tribunal seeking the aforesaid reliefs.

3. Heard Ld. Counsel for the applicant Mr. A. P. Lahiri. None appears for the respondents. ^WI have also perused the pleadings and materials placed before ^{us}me.

4. Ld. Counsel for the applicant submitted that the applicant would be satisfied if a direction is given to the competent respondent authority to consider his representation dated 12.08.2017 (Annexure -A-3) as per rules and regulations governing the field.

5. Though no notice has been issued to the respondents, ^{he are} ~~am~~ of the view that it would not be prejudicial to either of the sides if a direction is issued to the respondents to consider and dispose of the representation of the applicant as per rules and regulations within a time frame.

6. Accordingly, the Respondent No.3 i.e. the Divisional Railway Manager, Howrah Division, Eastern Railway i.e. the respondent No.3 in this O A is directed to consider and dispose of the representation of the application dated 12.08.2017 (Annexure -A-3) by passing a reasoned and speaking order as per rules within a period of three months from the date of receipt of this order. The decision so arrived at be communicated to the applicant forthwith.

7. It is made clear that we have not gone into the merits of the O.A. and all the points raised in the representation are kept open for consideration by the respondents as per rules and regulations in force.

8. With the above observations, the O. A. stands disposed of. No order as to costs.

(Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

amit