

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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O.A. NO. 350/1747/2016

Dated : 22.11.2017

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

1. Kishori Routh, son of Lt. Kartick Routh, aged about 58 years, working as Shuntman, Grade-I under Chief Yard Master, Andal, Eastern Railway, Asansol, residing at Quarter No. 397/B, Damodar Coloney, P.O. & P.S. Andal, District Burdwan, Pin - 713321, West Bengal.

2. Chandan Routh, son of Kishori Routh, aged about 20 years, by occupation Unemployed, residing at Quarter No. 397/B, Damodar Coloney, P.O. & P.S. Andal, District Burdwan, Pin - 713321 West Bengal.

Applicants

VERSUS

1. UNION OF INDIA, service through the General Manager, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata - 700001.

2. DIVISIONAL RAILWAY MANAGER, Eastern Railway, Asansol Division, Asansol, District Burdwan, Pin 713301.

3. SENIOR DIVISIONAL PERSONNEL OFFICER, Eastern Railway, Asansol Division, Asansol, District Burdwan, Pin 713301.

4. CHIEF YARD MASTER, Eastern Railway, Andal, Asansol Division, District Burdwan, Pin 713321.

.....Respondents.

For the applicant : Mr. B. Chatterjee, Counsel

For the respondents : Mr. S.K. Das, Counsel



ORDER (Oral)Manjula Das, Judicial Member

By this OA the applicants have prayed for the following reliefs:

"8(a) To quash and set aside the impugned Order dated 04.02.2016 issued by the Senior Divisional Personnel Officer, Eastern Railway, Asansol being No.E/Rectt./LARSGESS/ASN dated 04.02.2016 rejecting the candidature of the applicant No.2 on medical ground.

(b) An order directing the authorities to conduct a re-medical examination as per Appeal dated 02.03.2016 and in terms of the Rule 522 of the Indian Railway Medical Manual and to grant employment to the applicant No.2 as per the Certificate issued by the private Doctor within a period as to this Hon'ble Tribunal may seem fit and proper.

(c) An order directing the official respondents to conduct a fresh Medical Test of the applicant No.2 in terms of the Statutory Provision within a reasonable time.

(d) An order directing the official respondents to produce/cause production of all relevant records including the records pertaining to selection, medical examination and employment of applicant No.2.

(e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper for the ends of justice and equity.

(f) Leave may be granted to file this Join Petition under rule 4(5)(a) of CAT (Procedure) rule 1987."

As both the applicants have common interest and cause of action, permission is accordingly granted to move the O.A as per Rule 4(5)(a) of CAT (Procedure) 1987.

2. I have heard the Id. Counsel for both sides, perused the pleadings and materials placed before me. No reply has been filed by the respondents despite repeated opportunities were given.

3. Id. Counsel for the applicants Mr. B. Chatterjee submits that the applicants made repeated representations to the authorities ventilating their grievances but the respondent authorities have not considered their case. Finding no other

alternative the applicants have approached this Tribunal seeking the aforesaid reliefs.

4. Mr. B. Chatterjee, Ld. Counsel for the applicants submits that the applicants would be satisfied for the present if the respondent authorities are directed to consider and dispose of the representation/appeal of the applicant No.1 dated 02.03.2016 which was filed along with a Medical Certificate(Annexure A/3 to the O.A.).

5. Ld. Counsel for the respondents Mr. S.K. Das has no objection to such prayer.

6. Accordingly, the respondent authorities, more particularly, the Respondent No. 3 i.e. the Senior Divisional Personnel Officer, Eastern Railway, Asansol Division, Asansol is directed to consider and dispose of the representation of the applicant No.1 dated 02.03.2016 (Annexure A-3) as per rules and regulations governing the field and pass a reasoned and speaking order within a period of 3 months from the date of receipt of this order. Needless to mention that decision so arrived shall be communicated to the applicant forthwith.

7. With the above observation and direction the OA stands disposed of.

(Manjula Das)  
Member (J)