



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1796/2016

Date of order : 7.3.2017

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

PRAN KRISHNA BISWAS

S/o Late Kshitish Biswas,
Aged about 49 years,
Unemployed,
R/o Vill & P.O. – Kalupur,
P.S – Bongaon,
Dist. 24 Parganas (North),
Pin – 743235.

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
South Eastern Railway,
Garden Reach,
Kolkata – 700043.
2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Kolkata – 700043.
3. The Asst. Personnel Officer
(Recruitment)
South Eastern Railway,
Garden Reach,
Kolkata – 700043.
4. The Dy. Chief Materials Manager
(G&D), Kharagpur,
South Eastern Railway,
Kharagpur,
Purba Medinipur,
Pin – 721302.
5. The Office Superintendent,
Medical College & Hospital,
College Street,
Kolkata – 700012.

...RESPONDENTS.

For the applicant : Mr.T.K.Biswas, counsel

For the respondents: Mr.A.K.Banerjee, counsel

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

Heard Mr.T.K.Biswas, Id. Counsel appearing for the applicant. He submitted that he has served a copy of the OA on the respondents. Mr.A.K.Banerjee, Id. Counsel who usually appears for the S.E. Railway is present in the Court and on my request Mr.Biswas served a copy of the OA on Mr.Banerjee, who appeared for the Railway respondents in this case.

2. This OA has been filed under Section 19 of the A.T.Act, 1985 for the acts or omissions on the part of the respondents in deducting a sum of Rs.4,88,162/- from the DCRG of the applicant unilaterally and illegally and for the acts or omissions on the part of the respondent authorities in not considering the representations of the applicant for refund of the aforesaid amount of Rs.4,88,162/- and in not refunding the said amount, seeking the following reliefs :

- a) An order directing the respondents (i.e. specially respondent No.5) to issue the Medical certificate according to Medical examination dated 29.8.2016 to the applicant and thereafter further directing the respondent No.2 to join his duty in terms of appointment letter dated 26.10.2013 with all consequential benefits;
- b) An order directing the respondent No.5 to call for before the Hon'ble Tribunal and to show cause as to why not issue the medical certificate in favour of the applicant without any reason whatsoever;
- c) Any other order or further order or orders as to this Hon'ble Tribunal may deem fit and proper.

3. Mr.Biswas submitted that after issuance of the medical certificate in favour of the applicant, when the applicant has appeared in the section process and the process was complete, the respondent authority is not allowing the applicant to join his duty. Enclosing certain documents the applicant has made several representations but till date the respondent authorities are maintaining stoic silence on the said representations and therefore Mr.Biswas submitted that the applicant will be more or less satisfied if a direction is issued to the respondent No.2 to consider those representations and pass appropriate orders within a specific time frame.

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5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of at the admission stage itself by directing the respondent No.2 to consider the representations dated 6.9.2016 and 10.11.2016, if the same are still pending consideration and dispose them of keeping in mind the rules and regulations in force as well as the orders passed by this Tribunal and Hon'ble High Court of Calcutta, by passing a well reasoned and speaking order and communicate the same to the applicant within 2 months from the date of receipt of this order.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force, still then I hereby direct that after such consideration if the applicants' grievance is found to be genuine then expeditious steps may be taken within a further period of 3 months from the date of such consideration to extend those benefits to the applicant and refund the excess amount that has been recovered from the salary of the applicant when he was in service.

7. However, if in the meantime those representations dated 6.9.2016 and 10.11.2016 are already disposed of then the result of the same be communicated to the applicant within one month.

8. As prayed for by Mr.Biswas, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

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(A.K.PATNAIK
MEMBER (J)