

LIBRARYCENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/124/2017

Date of Order: 03.09.2018.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Asif Mallick, son of Faziur Rahaman Mallick, aged about 26 years, worked as Contractor's Labour as Sweeper/Safaiwala under Eastern Railway, Howrah Division, residing at Mazer Para, Hazipur, Dhaniakhali, Dist, Hooghly, Pin 712302.

--Applicant.

- VERSUS
1. Union of India, through the General Manager, Eastern Railway, Fairlie Place, 17, N.S Road, Kolkata - 700001.
 2. The Chief Personnel Officer, Eastern Railway, Fairlie Place, 17, N.S Road, Kolkata - 700001.
 3. Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah - 711101.
 4. Sr. Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah - 711101.
 5. The Secretary, Ministry of Railways, Rail Bhavan, New Delhi - 110001.

---Respondents

For The Applicant(s): Mr. T. K Biswas, Counsel

For The Respondent(s): Mr. S. K Das, Counsel

ORDER (ORAL)

Per: Mrs. Bidisha Banerjee, Member (J):

Heard Ld. counsel for both the parties.

2. This application has been filed under Section 19 of the AT Act, 1985

seeking the following relief:

"a) An order directing the respondents to consider the representation dated 16.06.2016 (Annexure A-3) within the specific period and also examine the documents are genuine then engage the applicant to the post of Group 'D' posts in the Eastern Railway, in any division.

b) Pass such other of further order or orders as to this Hon'ble Tribunal may deem fit and proper."

3. Ld. counsel for the applicant submits that the applicant has preferred a representation dated 16.06.2016, which is pending before the C.P.O and D.R.M, Eastern Railway and a direction may be given to consider such representation.

4. Ld. counsel for the respondents submitted that a reply has been filed by Senior D.P.O, Eastern Railway which shows that the applicant has not enclosed any documents to establish his claim that he worked in the Indian Railway and there is no proof of acknowledgement of the representation dated 16.06.2016.

5. At this juncture, ld. counsel for the applicant submits that he would prefer a comprehensive representation enclosing all the relevant documents as would be required for consideration of his case appropriately.

6. Therefore, the O.A is disposed of with a direction upon the applicant to prefer a comprehensive representation to the Respondent No. 4, who is the Sr. D.P.O, Eastern Railway or any other competent authority, enclosing the


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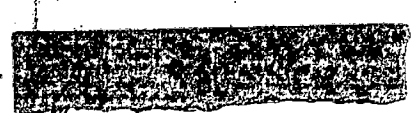
relevant documents in substantiation of the fact that he has served the Indian Railways, to be preferred within a period of 4 weeks from the date of receipt of a copy of this order.

7. In the event such representation is preferred, the Respondent No. 4, i.e., the Sr. D.P.O. Eastern Railway shall duly consider the same in accordance with law, as well as the decision cited by the applicant rendered in O.A 827/2010 on 25.07.2014 by a Division Bench of CAT, Kolkata Bench and issue appropriate reasoned and speaking order on the same.

8. It is made clear that we have not entered into the merits of the matter and, therefore, all points are kept open for consideration of the respondent authorities.

9. O.A accordingly stands disposed of. No costs.


(Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)

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