

O.A. 350/00125/2017



Central Administrative Tribunal

Calcutta Bench

1. Anandamoy Das S/o Late Ishwar Prallad Ch. Das, aged about 51 years, working as Helper II under Sr DSTE/Howrah/E.Rly.
2. Tuhin Kumar Das S/o Anandamoy Das, aged about 24 years, by Profession - Unemployed.

both the applicants are residing at Village: Dighaldanga, P.O. Jagat Nagar, P.S. Singue, Dist. Hooghly, PIN - 712409.

... Applicants

- Vs -

1. Union of India through General Manager Eastern Railway, Fairlie Place, Calcutta - 1.
2. Divisional Railway Manager, Eastern Railway, Howrah.
3. Sr. Divisional Personnel Officer, Eastern Railway, Howrah.
4. Sr. Divisional Signal Telecommunication Engineer, Eastern Railway, Howrah.

O.A.No.350/125/2017

Date : 30.06.2017

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

For the applicant : Mr. C. Sinha, counsel

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

O R D E R(Oral)**A.K. Patnaik, Judicial Member**

The applicants have filed this O.A. under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the impugned letter No.E/Ruling/LARGESSION/HWH dated 17.6.2016 issued by the Senior Divisional Personnel Officer, Eastern Railway, Howrah so far as they are concerned and the action on the part of the respondent authorities in not considering the case of the applicant No.1 for voluntary retirement and appointment of applicant No2 under the LARGESSION Scheme.

2. In this O.A. the applicants have prayed for the following reliefs:-

- 8(a) Liberty to be granted under Rule 4(5)(a) of CAT(Procedure) Rules, 1987 to file and maintain the application jointly;
- (b) To set aside and quash the Impugned letter No.E/Ruling/LARGESSION/HWH dated 17.6.2016 issued by Sr. Divisional Personnel Officer, Eastern Railway, Howrah, as regard applicant is concerned;
- (c) To direct the respondent authorities to consider the case of applicant No.1 for retirement and that of applicant No.2 for appointment under the LARGESSION Scheme forthwith;
- (d) Any other order(s) as the Hon'ble Tribunal deems fit and proper."

3. I have heard Mr. C. Sinha, Id. counsel for the applicants and Mr. S.K. Das, Id. counsel for the respondents.



4. Ld. counsel Mr. C. Sinha appearing on behalf of the applicants submitted that the applicant No.1 is working as Helper under the Sr. DSTE, Eastern Railway, Howrah with substantive Grade Pay of Rs.1800/- and having fulfilled all the requisite criteria as prescribed under the LARGESS Scheme, he applied for retirement vis-a-vis appointment of applicant No.2, but their case has been rejected. Mr. Sinha further submitted that the applicant No.1 has filed a representation dated 11.07.2016(Annexure A/6 to the O.A.) to the Respondent No.3 i.e. the Sr. Divisional Personnel Officer, Eastern Railway, Howrah ventilating his grievances, but no reply has been received from the respondents till date. He, therefore, prays that a direction may be issued to the respondents to dispose of the representation of the applicant No.1 by a well reasoned order within a specific time limit.

5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant No.1 submitted representation to the authorities ventilating his grievances , he has not received any reply till date.

6. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990** SC Page 10 / 1990 SCC (L&S) Page 50 (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must

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dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."

7. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicant as per rules and regulations governing the field. Accordingly the Respondent No.3 i.e. the Divisional Personnel Officer, Eastern Railway, Howrah is directed to consider and dispose of the representation of the applicant No.1, if pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of two months from the date of receipt of a certified copy of this order. If the applicants are found entitled to the benefits as prayed for, the respondents shall grant the same to the applicant within a further period of three months thereafter.

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

9. As prayed by Mr. Cinha, a copy of this order along with the paper book may be transmitted to the Respondent No.3 by speed post by the Registry for which Mr. Cinha undertakes to deposit the cost by 4th July, 2017.

10. With the above observations the O.A. is disposed of. No order as to cost.



(A.K. Patnaik)
Judicial Member