



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

O.A. No. 350/132 of 2018.

Sri Pr^{KR.}mod_A Gond son of Sri Krishna
Kupar Gond, working as MCM/Mechanical/
Eastern Railway, Dankuni, residing
at ~~A-6/A/A~~ N.S. Road, P.O. - RISHRA
and P.S. RISHRA, Dist: Hooghly,
Pin no.: 712 248.

..... Applicant.

- Versus -

1. The Union of India, through the
E.Rly.,
General Manager, 17, N. S. Road,
Kolkata - 700 001.

2. The Chief Personnel Officer,
Eastern Railway, Fairlie Place,
Kolkata - 700 001.

3. The Senior Personnel Officer(M-E)/
Head Quarter/ Eastern Railway.

..... Respondents.

6/6

O.A.No.350/132/2018

Date : 14.02.2018

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

For the applicant : Mr. N. Roy, counsel
 For the respondents : Ms. S.D. Chandra, counsel

ORDER(Oral)**A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"(a) To issue direction upon the respondents to consider representations dtds 22-09-17 and 27-17 for promotion of Junior Engineer forthwith;

(b) To issue further direction upon the respondent to give promotion for the post of JE where the same similar circumstanced candidate has got promotion by respondent authority the applicant is also same similar candidate. So according to that the applicant is entitled to the said post;

(c) Any order or orders as the Learned Tribunal deem fit and proper;

(d) To produce Connected Departmental Record at the time of Hearing."

2. I have heard Mr. N. Roy Id. counsel for the applicant. Id. counsel for the respondents Ms. S.D. Chandra is also present and heard.

3. Brief facts of the case as narrated by Id. counsel for the applicant, Mr. N. Roy are that the applicant belongs to ST category and is working as Master Crafts Man/Mech. under Dy. CME at Diesel Loco Component Factory, Dankuni. Mr. N. Roy submitted that the applicant is working as MCM/Mech from 01.11.2013 and the cadre closing of Diesel Loco Component Factory(DLCF), Dankuni has been done and effected on 30.11.2015. Mr. Roy further submitted that 13 posts of Junior Engineer/Mech. were viewed as sanctioned strength at DLCF/Dankuni and a provisional seniority list was published after cadre closing wherein out of 13

posts of Junior Engineer/Mech., 6 were working at DLCF/Dankuni and 7 posts of Junior Engineer/Mech. were vacant. It is submitted by Mr. Roy that the requirement for promotion to next higher post is minimum 2 years service in the MCM grade and the applicant had already completed 2 years as MCM at the time of cadre closing. The grievance of the applicant is that now the department has started the process of filling up the vacant posts of DLCF, Dankuni from Tech. Gr.I to MCM, Tech. Gr.II to Tech. Gr.I, Tech. Gr.III to Tech. Gr.II and from Junior Engineer/Mech. to SSE/Mech, but no action has been taken for promotion from MCM/Mech to Junior Engineer/Mech. Being aggrieved the applicant made a representation to the respondent authorities ventilating his grievances on 22.09.2017 followed by representation dated 27.11.2017(Annexure A/5) but his prayer has not been considered till date. Hence, he has come to this Tribunal seeking appropriate relief.

4. Ld. counsel for the applicant Mr. N. Roy submitted that the applicant would be satisfied if a direction is given to the Respondent No.3 ie. the Senior Personnel Officer(M&E)/Head Quarter, Eastern Railway, Kolkata to consider and dispose of the representation of the applicant dated 27.11.2017(Annexure A/5) as per rules and regulations in force within a specific time frame.

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 submitted representation to the authority ventilating his grievances to Respondent No.3 on 27.11.2017(Annexure A/5), no reply has been received by him till date.

Wd

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 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. Though no notice has been issued to the respondents for filing reply, considering the aforesaid facts and circumstances I am of the view that it would not be prejudicial to either of the parties if a direction is issued to the respondents to consider and decide the representation of the applicant as per the relevant rules and regulations governing the field.

8. Accordingly the Respondent No.3 i.e. the Senior Personnel Officer(M&E)/Head Quarter, Eastern Railway, Kolkata is directed to consider and dispose of the representation of the applicant dated 27.11.2017(Annexure A/5), if such representation is still pending for consideration, by passing a well reasoned order as per the rules and regulations in force within a period of six weeks from the date of receipt of a certified copy of this order. The decision so arrived at shall be communicated to the applicant forthwith. If the applicant's claim is found to be genuine, the benefits as claimed in his representation shall be extended to him within a further period of six weeks from the date of taking decision in the matter.

WAC

9. 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.

10. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondents No.3 by speed post by the Registry for which Id. counsel for the applicants undertakes to deposit the cost within one week.

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

(A.K. Patnaik)
Judicial Member

sb