



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

O.A. No. 350 / 133 of 2018.

M.A. No. 350/93/2018

1. Sri Manik Dey, son of Mohan  
Dey, working as Technician-  
III under Eastern Railway at  
Dankuni CSM/DICE/DEAS/Eastern  
Railway, and residing at: Vill.-  
Balyangram, Palta, P.O.: Bengal  
Enamel, Dist.: 24-Parganas(North),  
Pin No.: 743 122.

2. Sri Samiran Dhar, son of Subel  
Dhar, working as Technician-III  
under CSM/DICE/DEAS/Dankuni/Eastern  
Railway, residing at: Vill. Refaithpur,  
P.O.: - Chandrahati, P.S.: - Mogra,  
Dist.: Hooghly, Pin No.: 712 504.

3. Sri Biplab Bar, son of Mired  
Ranjan Bar, working as Technician-  
III, under CSM/DICE/DEAS/Dankuni/  
Post - Nadia Garapeta, Dist.: Nadia,  
Pin no.: 741 502.

Contd. .. p/2.

126

4. Sri Goutam Bala, son of Rabindra Nath Bala, working as Technician - III, under CWM/DACT/DEAE/Dankuni/ Eastern Railway, residing at Vill.- & P.O.- Danahin Chatra, P.S.-Baduria, Dist.: 24-Parganas(North), Pin no.:- 743 247 (West Bengal).

.....Applicants.

~ Versus ~

1. UNION OF INDIA, through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.

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

3. The Chief Works Manager, Eastern Railway, Dankuni, Dist.: Hooghly.

4. The Deputy CME, Eastern Railway, Dankuni, Hooghly.

.....Respondents.

WJ

O.A.No.350/133/2018  
M.A.No.350/93/2018

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 the representation, dated 12-01-17 for rectification of Seniority list forthwith;
- b) To produce connected Departmental Record at the time of Hearing;
- c) Any other order of such further order or orders as deem fit and proper under the circumstances of the case;
- d) Leave may be granted to file this Joint Application under Rule 4(5)(a) of the Central Administrative Tribunal Procedure Rules, 1987."

2. The applicant has also filed an M.A.No.350/93/2018 seeking permission to move the O.A.350/133/2018 jointly under Rule 4(5)(a) of C.A.T.(Procedure) Rules, 1987.

The M.A. is allowed.

3. I have heard Mr. N. Roy Id. counsel for the applicants on the O.A. Id. counsel for the respondents Ms. S.D. Chandra is also present and heard.

4. Brief facts of the case as narrated by Id. counsel for the applicants are that the applicants have joined at newly created Diesel Loco Component Factory, Dankuni, Eastern Railway from different divisions and workshop of Eastern Railway on option basis and it was decided that the seniority of the optees in the

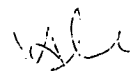


new unit would be decided on the cadre closing date based on inter seniority. The grievance of the applicants are that when the seniority list was published by SPO for Diesel Loco Component Factory(DLCF), Dankuni, the applicants found that there is a serious anomaly in the seniority list. According to Mr. Roy the seniority of the applicants were treated as own request without their consent as a result of which they will lose their future promotion. Being aggrieved the applicants have filed representation to the Respondent No.2 i.e. the Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata on 12.01.2017(Annexure A/6) ventilating their grievances and prayed for rectification of the said seniority list, but that has not been considered till date. Ld. counsel for the applicant, Mr. N. Roy submitted that the applicants would be satisfied if a direction is given to the respondent No.2 to consider and dispose of the representation of the applicants by passing a well reasoned order as per rules and regulations governing the field 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 applicants submitted representation to the authority on 12.01.2017(Annexure A/6) ventilating their grievances, no reply has been received by them 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 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 applicants as per the relevant rules and regulations governing the field.

8. Accordingly the Respondent No.2 i.e. the Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata is directed to consider and dispose of the representation of the applicants dated 12.01.2017(Annexure A/6), 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 applicants forthwith. If the applicants' claim is found to be genuine, the benefits as claimed in their representation shall be extended to them within a period of further six weeks from the date of taking decision in the matter.

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 applicants, a copy of this order along with the paper book may be transmitted to the Respondents No.2 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