

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.No. 350/143 /2018

In the Matter of :

An application u/s 19 of the
A.T.Act, 1985;

-And-

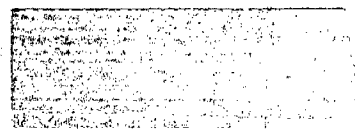
In the Matter of :

Nur Hosen Dhali, son of Late
Yusuf Dhali, aged about 60 yrs.
working as Chief Commercial
Clerk under the Station Super-
intendent, Ghutiari Shariff
Rly.Station, Sealdah Division,
Eastern Railway(now under
suspension); residing at Daksh.
Chhayani para, P.O.Ramkrishna
Pally, P.S.Sonarpur, Kolkata-
700 150, Dist. 24-Pgs.(S).

Applicant

-Versus-

- 1) Union of India through the
General Manager, Eastern Railw
17, N.S.Road, Kolkata-700 001.
- 2) The Divisional Railway
Manager, Sealdah Division,
Eastern Railway, Sealdah, Kol-
kata-700 014.



3) The Senior Divisional
Personnel Officer, Sealdah
Division, Eastern Railway.
Sealdah, Kolkata-700 014.

4) The Divisional Commercial
Manager, Sealdah Division,
Sealdah, Eastern Railway,
Kolkata-700 014.

5) The Sr.Divisional Commer-
cial Manager, Sealdah Divn.,
Eastern Railway, Sealdah,
Kolkata-700 014.

.. Respondents

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O.A.No.350/143/2018

Date : 12.02.2018

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

For the applicant : Mr. K. Sarkar, counsel
Ms. A. Sarkar, counsel

For the respondents : Mr. M.K. Bandyopadhyay, 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:-

- i) "To direct the respondents to cancel, withdraw and/or rescind the impugned order of suspension dated 24.11.2017 as contained in Annexure "A-5"herein;
- ii) To direct the respondents to revoke the order of suspension dated 24.11.2017 forthwith as contained in Annexure "A-5"herein;
- iii) To direct the respondents to grant provisional pension to the applicant on the basis of his qualifying service upto the date immediately preceding the date on which he was placed under suspension;
- iv) To direct the respondents to deal with and/or dispose of the representation of the applicant dated 27.12.2017 as contained in Annexure "A-6" herein in its correct perspective;
- v) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for adjudication of the issues involved herein;
- vi) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. I have heard Mr. K. Sarkar leading Ms. A. Sarkar, Id. counsel for the applicant. Mr. M.K. Bandyopadhyay, Id. counsel for the respondents is also present and heard.



3. Brief facts of the case as narrated by Id. counsel for the applicant, Mr. K Sarkar are that the applicant joined service under Eastern Railway, Sealdah Divison on 11.09.1976 and due to satisfactory performance he was lastly promoted to the post of Chief Commercial Clerk and posted under the Station Superintendent, Ghutiari Shariff railway station under Sealdah Division. Mr. Sarkar submitted that the applicant was placed under suspension in connection with a major penalty charge sheet w.e.f. 24.11.2017 i.e. just before the date of his retirement on 01.12.2017. It is further submitted by Mr. Sarkar that before retirement from service the applicant submitted filled-up settlement booklet giving details of his family members dependent on him to the Chief Welfare Inspector/(IC), Sealdah. Eastern Railway on 20.11.2017(Annexure A/1). Respondent No. 5 served upon the applicant a speaking order dated 21.11.2017 against the reply of the applicant under Rule 10 regarding major penalty chargesheet dated 31.07.2014 whereby the applicant was exonerated from the charges levelled against him. It is further stated by Mr. Sarkar that the applicant made a representation for post-facto permission of his second marriage and declared his existing family members dependent upon him to the Respondent No.3 and the authorities concerned of Eastern Railway prepared a settlement calculation sheet of the applicant before his retirement on superannuation. Mr. Sarkar also submitted that the applicant made a representation to the Respondent no.2 dated 27.12.2017(Annexure A/6) for revocation of the order of suspension and for payment of post-retirement settlement dues on humanitarian ground, but his prayer has not been considered by the authorities till date. Being aggrieved the applicant has approached this Tribunal seeking appropriate relief.



4. 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 on 27.12.2017 ventilating his grievances, no reply has been received by him till date.

5. 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."

6. 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.

7. Accordingly the Respondent No.2 i.e. the Divisional Railway Manager, Eastern Railway, Sealdah is directed to consider and dispose of the representation of the applicant dated 27.12.2017(Annexure A/6), if such representation is still

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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 period of further six weeks from the date of taking decision in the matter.

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 the Id. Counsel for the applicant, 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 applicant undertakes to deposit the cost within one week.

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

(A.K. Patnaik)
Judicial Member