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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/145/2015

Date of order : 26.4.2017

Present: Hon'ble Mr. A.K.Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. **BINDESWARI YADAV**
S/o Late Sahabir Yadav,
Aged about 60 years,
Worked as Pointsman
At Naihati Station,
Eastern Railway,
Dist. – North 24 Pgs.,
Kolkata – 743165,
Since retired.

2. **SANJAY KUMAR YADAV**,
S/o Bindeswari Yadav,
Aged about 27 years,
Unemployed,
R/o Rly.Qrts. No. E/22
Kanchrapara Sation Block,
P.O.- Kanchrapara,
Dist. – 24 Pgs. (N)
Pin – 743145.

...APPLICANT

VERSUS

1. Union of India through
The General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700001.
2. Sr. Divisional Personnel Officer,
Eastern Railway,
Sealdah Division,
Sealdah,
Kolkata – 700014.
3. Sr. Divisional Operation Manager (G),
Eastern Railway,
Sealdah Division,
Sealdah,
Kolkata – 700014.

...RESPONDENTS

For the applicant : Mr.J.R.Das, counsel

For the respondents: None

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O R D E R (ORAL)A.K.Patnaik, J.M.

Heard Mr.J.R.Das, Id. Counsel appearing for the applicants. None appeared for the departmental respondents.

2. This OA has been filed by the applicants challenging inaction and/or non-action on the part of the respondent authorities, under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order directing the respondent authority to consider the case of the applicant No.2 since being totally eligible and fit for such employment
- b) An order directing the respondents to offer immediate employment to the applicant No.2 since cannot be regretted on a fraudulent issue or at all.
- c) An order directing the respondents to consider the case of the applicants herein since belonging to OBC community since deserving for age relaxation by 3 years and applicant No.1 being overage by one month and a few days only and hence squarely within limit and the scheme provides for guaranteed employment as declared.
- d) To direct the respondents to place all the papers on record in connection to the adjudging points of issue.
- e) And to pass such further or other order/orders and/or direction/directions as to this Hon'ble Tribunal deem fit and proper.

3. According to Mr.Das, the sum and substance of the grievance of the applicants is that the applicant No.1 was working as Pointsman at Naihati Station under Eastern Railway. While working as such the Railway Authorities circulated a scheme for 'Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff' (LARSGESS) under Sealdah Division of Eastern Railway by office order dated 23.4.12 for Gr. D employees who were of 50-57 years of age and were having suitable ward of 18-33 years of age as on 1.1.2012. The applicant No.1 submitted necessary application for such recruitment of applicant No.2 being the eldest son and still unemployed. But till date the respondent authorities have not considered the application and hence the applicants have approached this Tribunal.

4. Mr.Das fairly submitted that the grievance of the applicant will be more or less redressed if liberty is granted to the applicants to file a comprehensive

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representation addressed to respondent No.1 within a period of 4 weeks from the date of receipt of the copy of this order and the respondent No.1 is directed to consider and dispose of the same within a time frame.

5. Though notices were issued and pleadings are completed still then we refrain ourselves from hearing and on prayer of Mr.Das, Id. Counsel for the applicant dispose of this OA by granting liberty to the applicant to file a comprehensive representation addressed to respondent No.1 within a period of 4 weeks and if at all any such representation is preferred within 4 weeks, the respondent No.1 may consider the same as per rules and regulations in force, if permissible under law and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within 3 months from the date of receipt of this order.

7. Though we have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said respondent No.1 to consider the same as per the rules and regulations in force, still then we hereby direct that after such consideration if the applicants' grievance is found to be genuine then expeditious steps may be taken within a further period of 2 months from the date of such consideration to extend those benefits to the applicants.

8. With the aforesaid observation and direction the OA is disposed of as withdrawn at the admission stage itself. No costs.

9. As prayed for by Mr.Das, the applicants will be at liberty to annex the copy of this order to the representation to be preferred by them, if so advised.

(JAYA DAS GUPTA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER (J)