

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/00214/2014

Date of order: 22.6.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

MANOJ KR. PANICKER & ORS.

VS.

UNION OF INDIA & ORS. (S.E. Railway)

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the parties.

2. In this matter the decision has been taken by the competent authority for change of trade of the applicant only after filling up the vacancies of Trackman/Gateman as per extant procedure in vogue. It has been pointed out that during pendency of this petition vacancies of Trackman and Gateman were already filled up. He wants to file a supplementary affidavit to that effect.

3. The Ld. Counsel for the respondents pointed out that he is not having any instructions in this regard. The Ld. Counsel for the applicant submits that as the authorities have decided to take decision only after filling up the vacancies of Trackman/Gateman so the matter may be left open to be decided by the authorities in the circumstances.

4. In this case the applicants were appointed as Trackman under quota of Ex-Serviceman and they have been given the trade as per their choice as stated in the written reply where after the applicant applied for change of trade on account

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of their old age. The authorities then considered the request and passed a specific order on 25.9.2013 which reads as under:-

"No. P/L/9/Ex.SM/Trackman/change of Trade Date: 25.9.2013

To
 The Secretary General,
 Indian Railways Ex-Servicemen's Welfare Association,
 86/2, Dr. Meghnad Saha Road,
 Dum Dum,
Kolkata – 700 074.

Dear Sir,

Sub: Change of Trade from Trackman/Gateman to
 Technical Helper in Mechanical/Electrical/
 S&T: Ex-Servicemen Gr. 'D' post.

Ref: Your letter No. IREXWA/GS/CPO/SER/05/2013
 Dated 2.9.2013

Kindly refer to your letter dated 2.9.2013 regarding change of Trade from Trackman/Gateman to Technical Helper in Mechanical/Electrical/S&T – Ex.Serviceman Gr. 'D' post.

The issue has been examined by the competent authority and decided that change of category can be considered only after filling up of vacancies of Trackman/Gateman as per extant procedure in vogue.

This is for information please.

Yours sincerely,

(S.K. Patra)
 Sr. Personnel Officer (Engg)
For Chief Personnel Officer"

5. The order reveals that the claim has not come to an end and the authorities have left open the matter to be considered again after filling of vacancies of Trackman/Gateman.



6. Hence, we are of the view that the matter should not be kept pending and taking the statement on record of the applicant's Counsel that all the vacancies of Trackman/Gateman have been filled, the petition is finally disposed of with a direction upon the respondents that if all the vacancies of Trackman/Gateman are filled up then in the light of the letter dated 25.9.2013 the claim of the applicant will be considered for change of trade within a period of three months from the date of receipt of a copy of this order by passing a reasoned and speaking order under intimation to the applicants.

7. The O.A. is, accordingly, disposed of. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP