



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH

ORIGINAL APPLICATION NO. 219 OF 2017

In the matter of :

An application Under Section 19 of
the Central Tribunal Administrative
Act, 1985;

And

In the matter of :

Jadab Chandra Malick.

Son of Late Panchanan Malick

Aged about 5 $\frac{1}{2}$ years,

Residing at Village Uchitpur,

P.O. Par-Gopalnagar, P.S. Singur,

District Hooghly, Pin-712407.

..... Applicant

-Versus-

1. Union of India, service through the
General Manager, Eastern Railway,

Vd

17, N.S.Road, Fairlie Place, Kolkata-
700 001.

2. The Chief Personnel Officer,
Eastern Railway, 17, N.S.Road, Fairlie
Place, Kolkata-700 001.

3. The Divisional Railway Manager,
Howrah at Post Howrah, District
Howrah-711 101.

4. Senior Divisional Operation
Manager, DRM Building, Howrah, at
Post Howrah, District Howrah-
711 101.

5. Asst. Operation Officer (1),
Howrah, Eastern Railway, at Post
Howrah, District Howrah-711 101.

5. The Sr. Divisional Personnel
Officer, Howrah, E. Rly. At Post
Howrah, District Howrah-711 101.

....Respondents

Vd.

No. O.A. 350/00219/2017

Date of order: 18.8.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. A.K. Gayen, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. A.K. Gayen, Ld. Counsel for the applicant and Mr. M.K.

Bandyopadhyay, Ld. Counsel for the official respondents.

2. This OA has been filed by Jadab Chandra Malick challenging inaction on the part of the respondent authorities in not granting the pensionary benefits after accepting his prayer for VRS and also not considering his representation dated 5.1.2017 and also the letter dated 22.8.2016 issued by the Assistant Personnel Officer/T for Chief Personnel Officer, Eastern Railway. This O.A. has been filed praying for the following

reliefs:

"a) Impugned notice/letter and/or dated 22.8.2016 and all steps taken in pursuance and/or furtherance thereto be cancelled, set aside and/or quashed forthwith;
b) The VRS of the applicants as duly accepted by the respondents on 7.11.2012, the retrial/pensionary benefits be released in favour of the applicant forthwith alongwith accrued interest for late payment of such benefits for a period of such more than 6 years;
c) The respondents be directed to consider the representation filed by the applicants on 5.1.2017 must be guided by reasons and not by whims or personnel predilection and the action of the respondents should be for public good/benefits like applicants herein;
d) Such further order or orders, direction or directions be given as to your Lordships may deem fit and proper."

3. The facts in a nut shell as per Mr. Gayen, Ld. Counsel for the applicant are that the applicant applied for VRS under LARSGESS Scheme (Liberalized Active Retirement Scheme for Guaranteed Employment for Staff Safety) on 13.1.2011. Thereafter the wards of the employee sat for a

V.A.G

written examination on 10.7.2012. On August 12 to the month of November, 2012 medical examinations were held. On 7.11.2012 the authorities confirmed acceptance of VRS. The candidates were sent for respective training for different posts on 4.1.2013. On 15.1.2013 spare letter was issued in favour of the candidates for training. The training was duly completed on 23.2.2013 and they returned to their department. The ward was granted posting along with privilege passes and other benefits on 1.4.2013. Thereafter the applicant was issued show cause notice on 14.2.2014. He replied to the same on 18.2.2014 to 27.2.2014. On 28.2.2014 orders for reinstalling him in Railway service was issued. He filed reply on 19.3.2014. He preferred representations on 11.8.2015. Pursuant to the same the Railways issued notice/letter on 22.8.2016. On 5.12.2016 the applicants made a representation, which is still pending consideration.

4. Mr. Gayen, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 1, 2 and 3 to dispose of the representation dated 5.1.2017 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 1, 2 and 3 that, if any, such representation as claimed by the applicant have been preferred on 5.1.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 1, 2 and 3 within a further period of 4 weeks from the date



of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 5.1.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Gayen, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent Nos. 1, 2 and 3 by speed post for which Mr. Gayen undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP