



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

R.A 350/15/2013  
O.A/350/71/2013

Date of Order: 06.04.2018

Coram : Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Bhagwan Ram, son of Late Gouri Shankar Ram, aged about 52 years, employed as a Junior Engineer (C&W)/UDL, Asansol Division, Asansol, Eastern Railway and residing at Saraswati Pally, near S.D Hospital, P.O Asansol, District : Burdwan, West Bengal- 713301.

---Applicant

Versus

1. Union of India, through the General Manager, Eastern Railway, 17, Subhas Road, Fairlie Place, Calcutta- 700001.
2. The Divisional Railway Manager, Eastern Railway, Asansol, Pin 713301.
3. Senior Divisional Mechanical Engineer (C&W), Eastern railway, Asansol Division, Asansol, Pin 713301.
4. Senior Divisional personnel Officer, Eastern Railway, Asansol, District : Burdwan, Pin - 713301.
5. Bhaskar Ghosh, Senior Section Engineer Divisional Mechanical Engineer (C&W) Asansol Division, Asansol - 713301.

---Respondents

FOR THE APPLICANT(S): Mr. S.K Datta, Counsel

Mr. B. Chatterjee, Counsel

FOR THE RESPONDENT(S): Mr. A.K Guha, Counsel

O R D E R (O R A L)

Per: Smt. Manjula Das, Judicial Member:

By this R.A arising out of O.A 350/71/2013, the petitioner prays for review of the order dated 08.04.2013 passed by this Tribunal in O.A 71/2013.

2. Ld. counsel Mr. S.K Datta, assisted by Mr. B. Chatterjee appears on behalf of the petitioner. Ld. counsel Mr. A.K Guha appears for the respondents/opposite party.

3. The grievance of the applicant is that while the order was passed by this Tribunal on 08.04.2013 in O.A 350/71/2013, the matter was not heard in details and a decision was passed not on merit but by taking into the facts of the academic nature, as the applicant has already qualified for the said post. It was accepted by this Tribunal that the formal orders are to be passed by the Department within a reasonable time. Accordingly, the matter was disposed of.

Mr. S.K Datta, ld. counsel for the applicant further submits that the grievance remains as much as the applicant of the O.A prays for promotion to the post of Senior Section Engineer at par with his immediate junior which has not been discussed anywhere in the year, as such the review be made.

4. On the other hand, Ld. counsel for the respondents Mr. A.K Guha submits that the formal order has already been passed and the applicant has joined there. So, nothing remains for review of the order and as such the review petition be dismissed.

5. We have heard both the ld. counsels and perused the pleadings as well as the order dated 08.04.2013 passed in O.A 350/71/2013. This Tribunal passed the order while disposing of the O.A here as under:

“ 2. Be that as it may, the facts remains that O.A is rendered only of academic in nature as he has qualified for the said post and it is only a matter when the formal order would be issued and the respondents are expected to issue it in a reasonable time. If applicant is aggrieved by any other action, liberty is granted to take appropriate steps in accordance with rules and law. OA is disposed of.”

6. We have perused the grievance in terms of relief prayed in Clause 8 of the application which is here under:



" (a) An order do issue directing the respondent to grant promotion in the post of Senior section Engineer (C&W) at par with his immediate junior Sri Baskar Ghosh ignoring uncommunicated adverse entries/below benchmark if any;

(b) An order for all consequential benefits including all monetary benefits;

(c) For any other appropriate relief or reliefs as your Lordships may deem fit and proper and also for an order for production of all relevant records. "

7. From the perusal of the order, although there is no such an error apparent on the record, however, we notice that this matter was not heard in merit and the order was passed without having any reply of the respondents as well as the grievances of the applicant were not considered. However, in the order, we further notice that liberty was granted to the applicant to approach this Tribunal afresh if he is aggrieved with the action of the respondent authorities.

As the ld. counsel for the applicant Mr. S.K Datta vehemently submits that the action of the respondents calls for interpretation, as it was directed by the Tribunal that the applicant can approach afresh, if he is still aggrieved by the order of the respondents. As the formal order does not speak about extending any benefit to the applicant at par with the junior, the grievance still remains.

8. In view of that, we dispose of this R.A by giving liberty to the applicant to approach before this Tribunal in a separate O.A, if he is aggrieved with the formal order of promotion passed by the Department.

(Dr. Nandita Chatterjee)  
Administrative Member

(Manjula Das)  
Judicial Member

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