



In the Central Administrative Tribunal

Calcutta Bench

Title of the case. OA No. 350/268 of 2016

Sri. Santu Kolay Age – 25 years
S/O Late Sankar Kolay
(Ex. Comm/Vendor/Rly Catg/Howrah
B.No 866)
Residing at Vill + Po – Begri
DT – Howrah – 711411

.....Applicant

---Vs---

Union of India

Representation by

1. The General Manager
Eastern Railway, 17, N.S.Road
Kolkata – 700001
2. The Chief Commercial Manager
E.Rly, 3 KG Street, Kolkata – 700001
3. The Divisional Railway Manager
E.Rly, Howrah – 711101
4. The Sr. Divl. Commercial Manager
E.Rly, Howrah – 711101

.....Respondents

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O.A.No.350/00268/2016

Date of order : 23.03.2017

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

For the applicant : Mr. A.K. Bairagi, counsel

For the respondents : Mr. S.K. Das, counsel

ORDER(ORAL)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the acts of the respondents in not considering the case of the applicant under the scheme of appointment of the sons of the Ex.Commission/Vendors who died below the age of 59 years under the Railway Board circulars governing the field.

2. In this O.A. the applicant has prayed for the following reliefs:-

"8(a) To pass order/or direction upon the respondent authorities particularly the CCM, E. Rly, Kolkata i.e. the respondent no. 2 to complete the process of appointment of the applicant in any Group 'D' post in the railway within the specified period.

(b) The applicant further praying for extension of benefits of orders passed by this Hon'ble Tribunal in the similar matter as annexure A.6 of the way.

(c) To pass such other further order/or orders as your Lordships may deem fit and proper.

(d) Leave may kindly be granted to file this application jointly under rule 4, 5(a) of the CAT's procedure rule 1987".

3. I have heard Mr. A.K. Bairagi, Id. counsel for the applicant and Mr. S.K. Das, Id. counsel for the respondents.

4. Id. counsel Mr. A.K. Bairagi appearing on behalf of the applicant submitted that the applicant preferred a representation on 23.12.2009(Annexure A/5, page



17 of O.A.) addressing the Chief Commercial Manager(Catering), Eastern Railway, Kolkata i.e. the Respondents No.2 of this O.A. , but no reply has been received by him till date. He, therefore, submitted that the applicant would be satisfied if a direction is given to the respondents to consider the case of the applicant as per rules and regulations governing the field within a stipulated period.

5. 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 authorities ventilating his grievances , he has not received any reply till date.

6. 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."

7. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicant. Accordingly the Respondent No.2 i.e. the Chief Commercial Manager(Catering),

LDG

Eastern Railway, Kolkata is directed to consider and dispose of the representation of the applicant, if pending consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of three months from the date of receipt of a copy of this order. After such consideration if the applicant is found entitled to the benefits, then expeditious steps may be taken by the respondents to grant the same within a further period of six months 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 shall remain open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. As prayed by Mr. Bairagi, a copy of this order along with the paper book may be transmitted to the Respondent No.2 by speed post by the Registry for which Mr. Bairagi undertakes to deposit the cost by 6th April, 2017.

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

(A.K. Patnaik)
Judicial Member