

IN THE CENTRAL ADMINISTRATION TRIBUNAL,

CALCUTTA BENCH, KOLKATA

DA. 350/10338/2017

Particulars of the applicant -

M. SHYAMSUNDER RAO

S/o. Late M. RANGA RAO

Aged 62 years residing at

Flat No. 1G, Block 'B' Diamond Villa

South Inda, P.O. - Kharagpur

P.S. - Kharagpur, Dist. - West Medinipur

PIN - 721301, West Bengal

Applicant

VERSUS

1. The Union of India through General
Manager, South Eastern Railway,
Garden Reach, Kolkata-43.
2. The Chief Personnel Officer,
South Eastern Railway, Garden Reach
Kolkata - 43.
3. Senior Divisional Personnel Officer,
South Eastern Railway,
P.O.-Kharagpur, Dist. West Medinipur,
PIN - 721301, West Bengal.
4. Divisional Railway Manager
South Eastern Railway
P.O.-Kharagpur, Dist. West Medinipur,
PIN - 721301, West Bengal.

Respondents

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No. O.A. 350/00338/2017

Date of order: 18.8.2017

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

For the Applicant : In person

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard the applicant in person, Mr. M. Shyamsunder Rao and Mr. B.L. Gangopadhyay, Ld. Counsel for the official respondents.

2. This OA has been filed praying for the following reliefs:

- i. Any order directing the respondent No. 2 to expunge the adverse remarks for the year ending 31.3.2007 and to upgrade the grading.
- ii. To quash the Secretary to GM's letter 30.10.2007 communicating adverse remarks to the applicant.
- iii. To include the applicant's name in the list of officers for upgradation to the higher scale Rs. 8000-13500 w.e.f. 1.1.08.
- iv. To quash the reply from Chief Personnel Officer/S.E. Railway dt. 24.6.08 and to upgrade the grading for the year ending 31.3.2007.
- v. To quash the Secretary to GM's letter dated 4/4/11 and to upgrade the grading below bench mark and quash CPO Mumbai's letter dated 3.3.2011.
- vi. To direct the respondent No. 2 to issue promotion order to the higher scale Rs. 8000-13500 in favour of the applicant w.e.f. 1.1.08 with all consequential benefits.
- vii. To direct respondent No. 2 to refix pension, gratuity, commutation value, leave salary and other settlement benefits on the basis of revised refix pension.
- viii. Any other relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case may be given in favour of the applicant."

3. Mr. Rao submitted that praying for upgradation to the higher revised pay scale of Group - 'B' Officers with reference to CPO/GRC's letter No. P/G/14A/2/1/APO/VO dated 4.6.2008 he has already addressed one exhaustive representation to the respondent No. 1 and in response to such representation he has received a reply under Annexure A-7' signed by the Secretary to GM, which reads as under:-

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" The competent authority has carefully gone through your above quoted appeal preferred by you against the remarks recorded in your APARs for the year ending 31.3.2007 and decided, taking all aspects into account, that the remarks recorded in the APARs for Y.E. 31.3.2007 should be retained."

4. The law is well settled by a catena of decisions by the Hon'ble Supreme Court of India as well as different High Courts that the applicant or petitioner have a legitimate right to know the outcome of the representation and the said authority who usually is visited with a representation shall pass a reasoned and speaking order, which in our considered view has not been adhered to as evident from the document (Annexure A-7). We quash Annexure 'A-7' in the stage of admission without waiting for the reply and remand the matter to respondent No. 1 to consider the representation as per rules and regulations in force and pass a reasoned and speaking order taking into account all the points taken in the representation.

5. With the aforesaid observation, the O.A. is disposed of.

6. A copy of this order be handed over to both sides.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP