



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/360/ 2018

Date of order: 16.07.2018

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

K. Sanjeeva Rao,
Son of K. Suriya Narayana,
Temporary employee of Santragachi
Railway Employees' Cooperative Society
Limited, residing at Rly. Qrs. A/9/31 Railway
North Side Santragachi, P.O. Jagacha,
P.S.-Jagacha,Howrah-711 111

.....Applicant

-Versus-

1. The Union of India service through
the Secretary, Railway Board,
Rail Bhavan, Ministry of Railways,
New Delhi-110001
2. The General Manager, South Eastern Railway,
11, Garden Reach, Kolkata-700 043;
3. The Divisional Railway Manager,
South Eastern Railway, Kharagpur,
Kharagpur-721 301, Paschim Medinipur;
4. The Secretary, Santragachi Railway
Employees Consumers Co-operative
Society Ltd., Santragachi P.O. Jagacha,
District Howrah-711111

.....Respondents

For the applicant : Mr. S.K. Bhowmik, counsel

For the respondents : Mr. B.P Manna, counsel

ORDER(Oral)

A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicant under Section 19 of the
Administrative Tribunals Act, 1985 seeking the following relief:-

Wd

"An order or direction do issue directing the respondents to consider his representation submitted on 26.12.2017 and give appointment to the applicant in any department of South Eastern Railway."

2. Heard Mr. S.K. Bhowmik, Id. counsel for the applicant and Mr. B. P. Manna, Id. counsel for the respondents.

3. Id. counsel for the applicant Mr. S.K. Bhowmik submitted that the applicant was an employee of Santragachi Railway Employees' Co-operative Consumer Society Limited which is a quasi Government organization under control of the South Eastern Railway from 02.11.1993. The office of the Divisional Railway Manager (P) /KGP had sent a letter on 03.07.2000 addressed to Santragachi Railway Consumer Co-operative Stores Limited as well as other quasi government organisations under its control and accordingly names of 20 employees were sent by the Secretary of the Santragachi Railway Consumer Co-operative Stores Limited to Divisional Railway Manager(P)/ Kharagpur for consideration of their selection in Group D post. It is submitted by Mr. Bhowmik that the applicants were denied absorption in such posts on the ground of overage. Mr. Bhowmik further submitted that the applicant came to learn that there are two judgements passed by the Central Administrative Tribunal, Bombay Bench, Mumbai and Hon'ble High Court Kerala, Ernakulam wherein some similarly situated persons were extended the benefits of age relaxation for recruitment in Group D posts in quasi Government organisations but the applicant was denied such benefits. Being aggrieved with such inaction of the respondent authorities, the applicant has approached this Tribunal seeking the aforesaid relief.



4. On my query, Id. counsel Mr. S.K. Bhowmik submitted that though the applicant had filed a detailed representation to the respondent No.1 i.e. the Secretary, Ministry of Railway, Rail Bhavan, 245, Raisinha Road, New Delhi-110001 stating his grievances therein on 26.12.2017(Annexure A/6), he received no response to his prayer. In my considered view the applicant should have filed representation to the General Manager, South Eastern Railway. Mr. Bhowmik submitted that the applicant would be satisfied for the present if he is permitted to file a comprehensive representation to the Respondent No.2 i.e. the General Manager, South Eastern Railway, 11 Garden Reach Road, Kolkata-700 043 ventilating his grievances therein and annexing all the relevant documents with the same and the said authority is directed to consider and dispose of the same within a specific time frame as per rules.

5. Though no notice has been issued to the respondents I find that it would not be prejudicial to either of the parties, if the above prayer of the Id. counsel for the applicant is allowed.

6. Accordingly liberty is given to the applicant to file a comprehensive representation to the Respondent No.2 i.e. the General Manager, South Eastern Railway, 11 Garden Reach Road, Kolkata-700 043 ventilating his grievances therein within a period of 15 days from the date of receipt of a copy of this order and the said authority or any other competent authority is directed to consider and dispose of the representation of the applicant, if so filed, by passing a well reasoned order as per rules and regulations governing the field within a further period of six weeks from the date of receipt of such representation and communicate the result to the applicant forthwith. After such consideration, if the applicant's grievance is found genuine, then expeditious steps shall be taken



by the respondents to grant him the consequential benefits preferably within a period of six months from the date of taking decision in the matter.

7. It is made clear that I have not gone into the merits of this case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

8. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

9. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book be transmitted to Respondent No.2 by the Registry by speed post for which Id., counsel for the applicant shall deposit the cost by next Friday i.e.

20.07.2018. Liberty is granted to the applicant to annex a copy of this order along with the representation to be forwarded to the Respondent No.2. A free copy of this order may also be given to the Id. counsel for the respondents Mr.

B.P. Manna.



(A. K. Patnaik)
Judicial Member