

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/420/2018

Date of order : 2.4.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

DR. ASHIM KUMAR NASKAR

S/o Late Dhirendra Nath Naskar,
Aged about 54 years, Working as
Additional Chief Medical Superintendent,
R/o Aurobinda Nagar, South Bazar,
PO – Andal, Dist. – Paschim Burdwan,
Pin – 713321, West Bengal.

...APPLICANT

VERSUS

1. Union of India, through
General Manager,
Eastern Railway,
Fairlie Place,
12 Netaji Subhas Road,
Kolkata – 700001.
2. The Principal Chief Medical Director,
Eastern Railway,
14 Strand Road,
Kolkata – 700001.
3. Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
12 Netaji Subhas Road,
Kolkata – 700001.
4. Chief Medical Superintendent,
Eastern Railway,
Asansol,
Burdwan – 713301.

...RESPONDENTS.

For the applicant : Mr.A.Chakraobrty, counsel

For the respondents: None

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Being aggrieved with the non-implementation of the order dated 11.1.2018 the applicant approached before this Tribunal with the following reliefs :

- a) An order do issue directing the respondents to implement the order dated 11.1.2018 issued by Director (Estt), Railway Board in respect of the applicant at an early date.
- b) An order do issue directing the respondent to spare the applicant from Madhupur, immediately for his joining at CLW since Dr. Sankha Mondal joined as ADMO, Madhupur, Eastern Railways, vice him.

2. The case of the applicant in brief is that the applicant prayed for transfer. However, despite the order dated 11.1.2018 issued by the Director (Estt), Railway Board, the order has not yet been implemented. Mr.A.Chakraborty, 1d. Counsel appearing on behalf of the applicant submits that the applicant was working as MS/ICE/UDL since August 2016. He was transferred and posted at ACMS w.e.f. 5.11.2017. The applicant did make a representation on 22.11.2017 before the Director General, IR Railway Health Services, Ministry of Railways, Railway Board, Rail Bhavan, New Delhi praying for his posting at Chittaranjan inter alia stating amongst others that his children are reading at Durgapur which is nearer to Chittaranjan than Madhupur and it is not possible for him to look after the family from Madhupur. As such the applicant made a representation for his posting at CLW.

It is submitted by the 1d. Counsel that ultimately the department considered his case and Director (Estt), Railway Board passed an order on 11.1.2018 by which the applicant was recommended for transfer to CLW on his own request. However, suddenly Principal Chief Personnel Officer issued an order dated 31.1.2018 to the effect that the post held by the applicant has already been filled up by one incumbent Dr.Sankha Mondal, ADMO/PROB/Madhupur Asansol, has already joined at Madhupur. However the case of the applicant is hanging due to the non-implementation of the Railway's own order dated 11.1.2018.

3. Accordingly Mr.Chakraborty fairly submits that let the department be directed to give a posting to the applicant at CLW in pursuance of the order dated 11.1.2018. The applicant also made representation dated 27.2.2018 before the authority to the Chief Medical Superintendent which is also not yet responded.

4. Having heard the 1d. Counsel for the applicant and perusing the pleadings and materials placed before me, I am of the view that a prompt decision ought to have been taken by the authorities as and when the Director, Railway Board's letter has been received by the authorities i.e. General Manager, CLW. But unfortunately the same is not done for which the applicant has been dragged to the Court for implementation of the order dated 11.1.2018. Order dated 11.1.2018 (Annexure A/2) by which Director (Estt), Railway Board directed the General Manager, Eastern Railway, CLW as hereunder :

“Ministry of Railways have with the approval of the President decided that Dr. Ashim Kumar Naskar, SAG/IRMS/Eastern Railway, should be transferred to CLW on his own request and posted in the same capacity.

Date on which Dr. Naskar relinquishes/assumes charge may be advised.”

From the above contention made in the order it is easily discernible that the authority is considering the case of the applicant but the same has not been implemented – reasons for which is not known to the applicant.

5. In view of the above, in my considered view, the respondents be directed to consider and dispose of the representation made by the applicant dated 27.2.2018 immediately and to implement the order dated 11.1.2018 issued by the Director, Railway Board.

Ordered accordingly.

6. With the above direction and observation the OA stands disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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