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O.A. No. 350/60431/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Prodip Bhattacharjee, S/o Provas Bhattacharjee, aged about 35 years, working as Loco Pilot (G)/DSL under Senior DME, Sambalpur, East Coast Railway, permanent address being Village, Post & P.S. Gangnapur, District Nadia, Pin - 741238.

....Applicant

-Vs-

1. Union of India through General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, District - Khurda, Pin - 751017, Odisha.
2. Chief Personnel Officer, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, District - Khurda, Pin - 751017, Odisha.
3. General Manager, Eastern Railway, Fairlie Place, Kolkata - 700001.
4. Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata - 700001.
5. Divisional Railway Manager, Sambalpur Division, Modipara, Sambalpur - 768002, District - Sambalpur, Odisha.
6. Sr. Divisional Mechanical Engineer, Sambalpur Division, Modipara, Sambalpur - 768002, District - Sambalpur, Odisha.
7. Sr. Divisional Personnel Officer, Sambalpur Division, Modipara, Sambalpur - 768002, District - Sambalpur, Odisha.

...Respondents

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O.A.No.350/00431/2017

Date of order : 13.04.2017

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

For the applicant : Mr. C. Sinha, 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 action on the part of the respondents in not considering the case of the applicant for inter railway own request transfer from Sambalpur Division of East Coast Railway to Sealdah Division of Eastern Railway at bottom seniority.

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

"8(a) To set aside and quash impugned letter No. E. 1140/ALP/IR/ORT/DSL/PtIV. dated 09.02.2015 issued by Chief Personnel Officer, Eastern Railway.

(b) To direct respondent no. 4 to consider the case of the applicant for own request transfer to Sealdah Division of Eastern Railway taking into consideration the training and competency certificate of the applicant in electric traction as forwarded by CPO, East Coast Railway vide letter dated 15.09.2015.

(c) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

3. Heard Mr. C. Sinha, Id. counsel for the applicant and Mr. S.K.Das, Id. counsel for the respondents.

4. Id. counsel Mr. Sinha appearing on behalf of the applicant submitted that the applicant has preferred a representation on 10.01.2017 to the Chief Personnel Officer, Eastern Railway, Kolkata (Annexure A/8 of the O.A.) i.e. the Respondent No.4 of this O.A. ventilating his grievances therein, but no reply has

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been received by him till date. Mr. Sinha, therefore, submitted that the applicant would be satisfied if a direction is given to the respondents to consider his case 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 a 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.4 i.e. the Chief Personnel Officer, Eastern Railway, Kolkata is directed to consider and dispose of the aforesaid 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. If the representation has already been disposed of in the meantime, then the result be communicated to the applicant forthwith

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

9. As prayed by Mr. Sinha, a copy of this order along with the paper book may be transmitted to the Respondent No.4 by speed post by the Registry for which Mr. Sinha undertakes to deposit the cost within one week.

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


(A.K. Patnaik)
Judicial Member

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