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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

O. A. No.350/00486 of 2018

ABIRA PODDER, Wife of Late Subir

Poddar, aged about 48 years,

working as a Reservation

Superintendent /NJP under Senior

Divisional Commercial Manager,

Katihar Division, N.F. Railway, and

residing at 24/6, Surya Sen

Colony, B Block, Post Office &

Police Station- Siliguri, District

Jalpaiguri, Pin - 734004;

... APPLICANT

V E R S U S

1. UNION OF INDIA, through the
General Manager, N.F. Railway,
Maligaon, Guwahati, Assam,
Pin-780011;

2. THE CHIEF PERSONNEL
OFFICER, N.F. Railway,

A handwritten signature in black ink, appearing to read "Subir Poddar".

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Maligaon, Guwahati, Assam,

Pin-780011;

3. THE DIVISIONAL RAILWAY

MANAGER North East Frontier

Railway, Katihar Division,

Katihar, Bihar, Pin- 854105;

4. SENIOR DIVISIONAL

COMMERCIAL MANAGER,

North East Frontier Railway,

Katihar Division, Katihar,

Bihar, Pin- 854105;

5. THE DIVISIONAL PERSONNEL

OFFICER, North East Frontier

Railway, Katihar Division,

Katihar, Bihar, Pin- 854105;

6. Anupam Priadarshi, working

for gain as Sectional

CCMI/NJP residing at 6A,

Sister Colony, NJP, Post Office

& Police Station Bhaktinagar,

District Jalpaiguri, Pin 734007;



7. Deshbandhu Kumar, working
for gain as Chief Reservation
Superintendent/NJP, residing
at Deshbandhu Niwas, Near
Aurobindo Society, Pondicherry,
✓ Near B.B.D. Saran
Post Office & Police Station
Bhaktinagar, NJP, District
✓ Jalpaiguri, Pin 734005;

... RESPONDENTS

W.D.

No. O.A. 350/00486/2018

Date of order: 18.4.2018

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

For the Applicant : Mr. B. Chatterjee, Counsel
Mr. J. Dutta, Counsel

For the Respondents : None

ORDER (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. B. Chatterjee along with Mr. J. Dutta, Ld. Counsel for the applicant.

2. Mr. B. Chatterjee, Ld. Counsel for the applicant by drawing my attention to the fact of the case submitted that the applicant's case was deliberately ignored for promotion to the post of Assistant Reservation Superintendent by placing him in the bottom of seniority list. Therefore, the applicant has ventilated his grievance by making a comprehensive representation under Annexure "A-10" to the O.A. on 2.1.2018 addressed to the Senior Divisional Commercial Manager i.e. respondent No. 4 but very surprisingly he received a communication on 8.3.2018 in which his appeal dated 2.1.2018 has been rejected.

3. With the aid and assistance of Mr. Chatterjee, I went through the case records and I find that the order dated 8.3.2018, which is in response to the appeal preferred by the applicant on 2.1.2018 under Annexure "A-10" reads as under:-

"In reference to your appeal, cited above, this is to inform you that since you were transferred back from RNY division to KIR division on own request, your seniority was placed at the bottom of all existing Hd. ECRC of KIR division on the date of your joining at KIR division in terms of para 312 of IREM-I.

This issues with the approval of the competent authority."

4. In my considered view, the order passed by the official respondents in Annexure "A-11" to the O.A. is nothing but a cryptic order as it is a well settled position of law in a catena of decisions rendered by the Hon'ble Supreme Court



of India, Hon'ble High Court of different States as well as this Tribunal that the person who will consider the representation is supposed to consider all the points raised by the applicant/petitioner and communicate the result in a detailed manner. 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. Therefore, I have no other option but to quash the order dated 8.3.2018 and remand the matter back to the Sr. Divisional Commercial Manager i.e. respondent No. 4 to re-consider the appeal preferred on 2.1.2018 and communicate the result thereof by a well reasoned order within a period of one month from the date of receipt of this order.

5. Although I am remanding the matter back to the authorities without entering into the merits of the case still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine, then expeditious steps may be taken for extending the benefits as claimed by the applicant in his appeal dated 2.1.2018 to the applicant within a further period of four weeks from the date of such consideration.

6. With the aforesaid observation and direction, this O.A. stands disposed of.

7. As prayed for by Mr. Chatterjee, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Chatterjee undertakes to deposit necessary cost in the Registry by the next week.

(A.K. Patnaik)
Judicial Member