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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, NEZAM PALACE, CALCUTTA

Original Application (O.A.) No. 350/498/2014  
M.A. No. 350/135/2016

(A) Bapin Chandra Mondal,

son of Ganesh Chandra Mondal,

of Village - Chatterjeebagan,

Post office - Chinsurah R. S.,

Police station - Chinsurah,

District - Hooghly - 712 102.

..... Applicant.

- Versus -

1. The Chairman,

Railway Board, Rail Bhawan,

New Delhi - 111 001.

2. The Chief Personnel Officer,

South Central Railway, Rail Nilayam,

4th Floor, Secunderabad - 500 071.

..... 2.

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3. The General Manager,

South Central Railway, Rail Nilayam,

4th Floor, Secunderabad - 500 071.

4. The Deputy Chief Personnel Officer,

South Central Railway, Rail Nilayam,

4th Floor, Secunderabad - 500 071.

..... Respondents.

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No.O.A.350/498/2016  
M.A.350/135/2016

Date of order : 05.03.2018

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

**Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. S.K. Das, counsel

**ORDER (ORAL)**

**Mr. A.K. Patnaik, J.M.**

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 praying for the following reliefs:-

"a) To commanding and/or directing the Respondents/Authority concerned to issue the letter of appointment as Group 'D' substitutes in favour of the Applicant after setting aside the order dated 05.08.2011, passed by the Deputy Chief Personnel Officer, South Central Railway, read with the order dated 06.07.2010, passed by the Chief Personnel Officer, South Central Railway, as early as possible;

b) Directing the Respondents/Authority concerned to absorb your Applicant after considering the representation dated 04.03.2011 afresh forthwith after condoning the age bar;

c) To pass such other order or orders, direction or directions, as Your Lordship may deem fit and proper."

2. Heard Mr. C. Sinha, Id. counsel for the applicant. Id. counsel for the respondents Mr. S.K. Das is also present and heard.

3. Brief facts of the case as narrated by the Id. counsel for the applicant are that that the applicant made a representation to the authority concerned praying for appointment as substitute of Group 'D' staff but without considering his prayer in proper manner the respondent authorities rejected the same vide orders dated 06.07.2010(Annexure A/2) and 05.08.2011(Annexure A/4).

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According to the Id. counsel for the applicant such orders are misconceived and cannot sustainable in the eye law.

4. The applicant has also filed an M.A.No.350/135/2016 praying for condonation of delay in filing the O.A.

5. It appears that the Union of India has not been made a party in this case.

On being questioned as to how this O.A. is maintainable, Id. counsel for the applicant submitted that this is a transferred brief and the earlier advocate who drafted this O.A might have bonafidely omitted to make the Union of India as a party respondent in this case. The Id. counsel for the applicant further submitted that the applicant would be satisfied if he is allowed to file a comprehensive representation to the General Manager, South Central Railway within a period of two weeks and a direction may be given to the said authority to consider and dispose of the representation of the applicant, if so filed, within a specific time frame.

6. Id. counsel for the respondents Mr. S.K. Das submitted that the representation filed by the applicant has already been disposed of by the respondents and the decision has already been communicated to the applicant.

7. However, considering the sincere prayer made by Id. counsel for the applicant, Mr. C. Sinha, we think it would not be prejudicial to either of the sides if the applicant is allowed to file a comprehensive representation to the General Manager, South Central Railway ventilating his grievances therein and the said authority is directed to consider the same within a specific time limit.

8. Accordingly the applicant is permitted to file a representation to the General Manager, South Central Railway ventilating his grievances therein within

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a period of two weeks from the date of receipt of this order and the said authority is directed to consider and dispose of the same by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of such representation from the applicant and communicate the decision to the applicant forthwith. After such consideration, if the applicant is found entitled for the benefits as claimed in this O.A., the consequential benefits shall be extended to him within a further period of six weeks from the date of taking decision in the matter.

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

8. With the above observations the O.A. is disposed of at the admission stage. It is made clear that we have not dealt with the M.A.350/135/2016 which has been filed for condonation of delay.

9. A copy of this order be given to Id. counsel for both sides. The applicant will be at liberty to annex a copy of this order alongwith his representation to be filed to the General Manager, South Central Railway.

(Dr. N. Chatterjee)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

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