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O.A.No. 350/00562/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

D. Ganapathi Rao, son of late D Jagadishwar Rao, aged about 44 years, working as Helper-I under Senior Divisional Material Manager, Chakradharpur Division, residing at Qtr no. L/36, B-1, Unit - 3, Near Satelment, Post Office - Kharagpur, District - Paschim Mednipur, Pin 721301

..... APPLICANT

V E R S U S

- i) The Union of India, through the General Manager, South Eastern Railway, Strand Road, Fairly Place, Kolkata 700 001
- ii) The Senior Divisional Material Manager, South Eastern Railway, Chakradharpur, Division, Pin 833 102
- iii) Deputy Chief Material Manager, South Eastern Railway, Kharagpur, Pin no. 721301

..... RESPONDENTS

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O.A.No.350/00562/2017

Date of order : 13.04.2017

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

For the applicant : Mr. A. Chakraborty, counsel

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

O R D E R (ORAL)

The applicant who is working under the respondents as Helper-II, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 05.10.2016 issued by the Assistant Personnel Officer(Stores) for Deputy Chief Material Manager, S.E. Railway , Kharagpur by which he has been transferred from Kharagpur to Chakradharpur

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

"8(a) The Office Order SER/P-KGPS/STAFF/0/979/TFR/102 dated 05.10.2016 issued in respect of the petitioner by the Assistant Personnel Officer (Stores) on behalf of Deputy CMM/GSD/KGP cannot be sustained and he same may be quashed.

(b) An order do issue directing the respondents to allow the applicant to perform his duties as Helper Grade-II under Deputy Chief Manager (GSD), South Eastern Railway, Kharagpur."

3. Heard Mr. A. Chakraborty, Id. counsel for the applicant. Id. counsel Mr. S.K. Ghosh who usually appears on behalf of the South Eastern Railway is present in the court and on my instruction he appears for the respondents. Mr. Chakraborty has served a copy of the O.A. to him in the court.

4. Mr. Chakraborty appearing on behalf of the applicant submitted that at present the applicant is working as Helper-I under Senior Divisional Material Manager,Chakradharpur Division. While the applicant was working as Helper Grade-I under Senior DMM, South Eastern Railway, Kharagpur, he was transferred



to Chakradharpur Division under Deputy Chief Material Manager, South Eastern Railway, Chakradharpur vide order dated 05.10.2016. Being aggrieved by such order of transfer, the applicant has preferred a representation on 09.01.2017 to the Deputy Chief Material Manager, General Stores Depot, South Eastern Railway, Kharagpur (Annexure A/4 of the O.A.) i.e. the Respondent No.3 of this O.A. stating inter alia that he is a patient of psoriasis since 1999 and from 07.10.2016 to 09.10.2017 he was under the treatment of a Railway Doctor who sits only at Garden Reach, therefore, it would be easier for him to move Kolkata from Kharagpur for treatment. He further stated that he has been issued special passes by the Senior DMO for his journey to Garden Reach, Kolkata for treatment. The applicant also stated that there is none to look after him at Chakradharpur, therefore, he should be posted at Kharagpur Division at an early date.

5. Mr. Chakraborty submitted that though the applicant has preferred the aforesaid representation dated 09.01.2017 to the Deputy Chief Material Manager, General Stores Depot, South Eastern Railway, Kharagpur(Annexure A/4 of the O.A.) i.e. the Respondent No.3 of this O.A. ventilating his grievances therein, no reply has been received by him till date. He, therefore, submitted that the applicant would be satisfied if a direction is given to the respondents to consider his prayer for transferring him back to Kharagpur within a stipulated period.

6. 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.

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7. 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."

8. 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.3 i.e. the Deputy Chief Material Manager, South Eastern Railway, Kharagpur 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 keeping in view the ailments of the applicant 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 decision goes in favour of the applicant and nobody has joined in place of the applicant at Kharagpur in the meantime, then expeditious steps may be taken by the respondent authorities to post the applicant at Kharagpur within a further period of two months from the date of taking decision. If the representation has already been disposed of in the meantime, then the result be communicated to the applicant forthwith.



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

10. As prayed by Mr. Chakraborty, a copy of this order along with the paper book may be transmitted to the Respondent No.3 by speed post by the Registry for which Mr. Chakraborty undertakes to deposit the cost within one week.

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

(A.K. Patnaik)
Judicial Member

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