

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00328/2017

Date of Order: This, the 29<sup>th</sup> day of November 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER**

Sri Krishna Sharma  
S/o: Hari Narayan Sharma  
R/o: Pub Lumding, Near Baptist Church  
Ward No. 6, P.O.: Lumding  
P.S.: Lumding, District: Hojai, Assam  
Pin: 782447.

...Applicant

By Advocates: Mr. T.H. Hazarika, Mr. M. Chetia, Mr. A. Rashid,  
Mr. S. Deka & Mr. K. Islam

-Versus-

1. The Union of India  
Represented by the General Manager  
N. F. Railway, Maligaon  
Guwahati, Assam, Pin: 781012.
2. Divisional Railway Manager  
N.F. Railway, Lumding Division, Lumding  
Dist: Hojai, Assa, Pin: 782447.
3. Divisional Railway Manager (P)  
N.F. Railway, Lumding Division, Lumding  
Dist: Hojai, Assam, Pin: 782447.
4. Senior Diesel Mechanical Engineer-cum-Divisional  
Mechanical Engineer (C&W)  
N.F. Railway, Lumding Division, Lumding  
Dist: Hojai, Assam, Pin – 782447.

5. Sri Jayanta Bikash Dey  
 S/o: (Late) S.K. Dey  
 R/o College Road (Opp. Post Office)  
 Ward no. 1, P.O.: Lumding  
 P.S: Lumding, District: Hojai, Assam  
 Pin: 782447.

...Respondents

By Advocate: None

### **ORDER (ORAL)**

#### **MANJULA DAS, JUDICIAL MEMBER:**

When the matter was taken up, learned counsel for the railway did not appear. Mr. S. Deka, learned counsel for the applicant submitted that the applicant is aggrieved by the order No.M.-LMG/DSL/Estt. (Trade Taste) dated 13.11.2017 whereby six Grade D employees including the private respondent no. 5 have been recommended to undergo trade test ignoring the name of the applicant though in the provisional seniority list as annexed in the OA at page 24, it can be seen that the applicant is listed at sl. no.21 and the private respondent no.5 is listed at Sl No. 32.

2. Mr. Deka fairly submits that although the applicant is senior than the private respondent No. 5, but he was not called for trade test. According to Mr. Deka, in the impugned order

dated 13.11.2017, the name of private respondent No. 5 has been placed at serial No. 1 despite being junior to the applicant. As per provisional seniority list of Diesel Shed, Lumding as on 01.04.2016, the applicant is placed at serial No. 21 whereas the respondent No. 5 is placed at serial No. 32. As such, the action of the respondent authority is illegal, arbitrary for which the applicant was made to suffer and his promotional avenue has been disrupted.

3. From the submission made by the learned counsel for the applicant as well as perusal of the pleadings and materials placed on record, at this stage, we find it difficult to come into a finding for which this Bench has no other alternative than to direct the respondent authority to take a decision and pass orders in to the matter. As such, without going in to the merit of the case, we direct the applicant to make a comprehensive representation before the appropriate authority i.e. respondent No. 1 (General Manager, N.F. Railway, Maligaon, Guwahati) by ventilating his grievances within a period of ten days from the date of receipt copy of this order. On receipt of such representation, the respondent No. 1 shall dispose of the same and take a decision by passing a

reasoned and speaking order within a period of one month thereafter.

4. It is made clear that, whatever decision to be arrived by the respondent No. 1 shall be communicated to the applicant forthwith. The applicant has the liberty to approach the appropriate authority if he is aggrieved by the decision to be passed by the General Manager, N.F. Railway.

5. O.A. stands disposed of accordingly. No order as to costs.

**(N. NEHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**