

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA 350/494/2019

Date of Order: 04.04.2019

MA 350/273/2019

Coram :Hon'ble Ms. Bidisha Banerjee, Judicial Member

Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Asit Roy, son of Late Jogesh Chandra Roy, aged about 59 years, working as Depot Materials Superintendent under Assistant Materials Manager, Chittaranjan Locomotive Works at Howrah Depot, residing at 35, Sovabazar Street, P.O. Hatkhola, P.S. Shyampukur, Kolkata-700005.
2. Kalyan Bhattacharyya, son of Late Kali Krishna Bhattacharyya, aged about 60 years, working as Chief Office Superintendent under Assistant Material Manager, Chittaranjan Locomotive Works at Howrah Depot, residing at 269, Barabazar, P.O. & P.S. Chinsurah, Dist: Hooghly, Pin-712101.
3. Sushil Kumar Datta, son of Late Jitendra Nath Datta, aged about 59 years, working as Chief Office Superintendent under Assistant Material Manager, Chittaranjan Locomotive Works at Howrah Depot, residing at Makhan Chatterjee Lane, Fatakgora Chandannagar, P.O. & P.S. Chandannagar, Dist: Hooghly, Pin-712136.
4. Smt. Kumkum Chakraborty, daughter of Late Rabindra Nath Maitra, aged about 59 years, working as Chief Office Superintendent under Assistant Material Manager, Chittaranjan Locomotive Works at Howrah Depot, residing at 82, Sukanta Sarani, P.O. Bhadrakali, Dist: Hooghly, Pin-712232.
5. Amitava Ghosh, son of Late Ajoy Kumar Ghosh, aged about 59 years, working as Chief Depot Materials Superintendent under Assistant Material Manager, Chittaranjan Locomotive Works at Howrah Depot, residing at 61/A, Thakurdas Babu Lane, Triangular Plaza, Block C, 3rd Floor, Flat No. 303, Serampore, Dist: Hooghly, Pin-712201.

... Applicants.

Versus

1. Union of the India through the General Manager, Chittaranjan Locomotive Works, Chittaranjan, Dist: Paschim Bardhaman, Pin-713301.

2. The Principal Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, Dist: Paschim Burdwan, Pin-713301.

3. Assistant Material Manager, Chittaranjan Locomotive Works, Howrah Depot., 9, Mukhram Kanoria Road, Howrah-711101.

... Respondents.

For the Applicant(s) : Mr. S.K.Datta, Counsel

For the Respondent(s) : Mr. K.Sarkar, Counsel

ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

Applicants have approached the Tribunal in the instant O.A. praying for the following relief:

"(a) An order quashing and/or setting aside the impugned Orders dated 23.03.2019 and 28.03.2019;
(b) An order directing the respondents to allow the applicants to continue at Howrah Depot;
(c) An order directing the respondents to produce/cause production of all relevant records;
(d) To pass such other order or orders, direction or directions as Your Lordships may deem fit and proper."

2. An M.A. bearing No. 273/2019, arising out of O.A. No. 494/2019, has been filed by the applicants paying for liberty for joint prosecution, which is allowed on the ground of commonality of interest and common cause of action. M.A. is disposed of accordingly.

3. Heard both Ld. Counsel, examined pleadings and documents on record.

4. The submissions of the applicants, as made through their Counsel, are that the applicants have been working at the Howrah Depot of CLW

h.s.

and they had been transferred on their own request to the Howrah Depot from Chittaranjan after forgoing their seniority as well as promotion.

Although the applicants have less than two years to retire from service, they have been served on 29.03.2019 with an order of transfer dated 23.03.2019, along with release order dated 28.03.2019 vide which they have been ordered to be transferred to Dankuni office. Being aggrieved with such transfer and release order, the applicants have represented to the Respondent authorities vide representations dated 29.03.2019. According to the Ld. Counsel for the applicants, as such their representations remain pending at the level of the Respondent authorities, the applicants would be fairly satisfied if a direction is issued for disposal of such representations in a time bound manner.

5. Ld. Counsel for the Respondents contends that the representations have only been preferred a week earlier but does not object if such representations are directed to be disposed of in accordance with law.

6. Accordingly, with the consent of the parties, and, without entering into the merits of the matter, we hereby direct the Respondent No.2, who is the Pr. Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, to dispose of such representations, if received from the applicants, within a period of eight weeks from the date of receipt of a copy of this order. Such representations should be decided in accordance with law and be conveyed, by way of reasoned and speaking orders, to the applicants forthwith thereafter.

hsl:

Respondents will not take any coercive steps against the applicants and the applicants may be allowed to be retained in Howrah Depot, till disposal of such representations.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK/PS

