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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/00068/2018

Date of order: 11.3.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Subhendu Das,
Son of Shibpada Das,
Aged about 53 years,
Working as JE, under SSE Inspection 60E,
Residing at Aurobinda Nagar,
Street No. 10,
Post Office – H.Cables,
Pin – 713365,
District – Burdwan, West Bengal.

.. Applicant

V.E.R.S.U.S –

- (i) Union of India
Through the General Manager,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist. Burdwan.
- (ii) The Chief Personnel Officer,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist. – Burdwan.
- (iii) Surendra Nath Biswas
JE-II, Under Sr. Section Engineer,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist – Burdwan,
TM – 21.
- (iv) Senior Personnel Officer,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist – Burdwan.
- (v) Rajdeo Pandit,
JE-II under Sr. Section Engineer,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist. – Burdwan,

Subhendu Das

ELS - 23.

(vi) Debasis Mishra,
JE-II under Sr. Section Engineer,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist. – Burdwan,
ELS - 19

(vii) S.B. Seal,
JE-II under Sr. Section Engineer,
Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
Dist. – Burdwan,
TM - 23

(viii) Nimai Charan Sarkar,
J.E. – II under Sr. Section Engineer
Chittaranjan Locomotive Works,
Post Office – Chittaranjan
Dist. – Burdwan,
Insp - 53(E)

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal in the second stage litigation
praying for the following relief:-

"(a) An order do issue directing the respondents to consider the case of the applicant
for promotion to the post of Senior Engineer since his name is appearing in seniority list
of Junior Engineer against serial no. I."

2. Heard both Ld. Counsel, examined documents on record.
3. The submission of the applicant, as articulated through his Ld. Counsel, is
that, the applicant, who was functioning as Junior Engineer on ad-hoc basis at
CLW (Electrical) was selected for the post of Junior Engineer vide order dated
20.5.2006 and joined in the said post accordingly. Subsequent to certain

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litigations before the Tribunal, the panel for the post of Apprentice Mechanics interest age was redrawn and the applicant was excluded from the panel. The applicant having approached the Tribunal in O.A. No. 88 of 2009, the order excluding the applicant was stayed and, thereafter, upon disposal of Original Application No. 1631 of 2009, the panel was once again redrawn, but the authorities thereafter issued an order that candidates, who were excluded from the panel, would be allowed to continue as Junior Engineer purely on adhoc basis. Candidates, who were excluded from the panel, moved the Hon'ble Apex Court in an SLP which was disposed of on 30.12.2015 directing that the petitioners having continued in service for long, their appointments shall not be disturbed and that their cases should be considered for further promotion in accordance with law and in subsequent Contempt Petition No. 821 (C)/2015, the Hon'ble Apex Court further directed that the petitioners shall hold the post of Junior Engineer and be considered for the promotional post with prospective consideration of their seniority. The applicant, having been considered as Junior Engineer on adhoc basis and his name being placed against Srl No. 1 in the seniority list, the applicant had prayed to the respondent authorities praying for his promotion in the post of SEE in the light of Hon'ble Apex Court's judgment. Such representation was preferred on 30.10.2017 (Annexure A-7 to the O.A.) and remains pending for consideration.

Ld. Counsel for the applicant further submits that the applicant would be fairly satisfied if a direction is issued on the concerned respondent authorities to dispose of the said representation in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of the representation in accordance with law.

5. Accordingly, without entering into the merits of the matter and with the consent of the parties, we hereby direct the respondent No. (ii), namely, the Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, to consider the

representation of the applicant dated 30.10.2017, if received at his end, within a period of four weeks from the date of receipt of a copy of this order. The decision should be conveyed in the form of a reasoned and speaking order in accordance with law and communicated forthwith to the applicant.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

