

LIBRARY

An application under Section 19 of the Administrative Tribunals Act,
1985

OA/350/343/2019

BETWEEN

MA/189/2019

1. Abdul Gaffar Mollah, Son of Wahed Boksm Mollah, By occupation

Service, aged about 51 years, resident of village Hogla, Post Office
Sarbaria, Police Station- Jaynagar, District- South 24 Parganas,
West Bengal, Pin Code - 743385.

2. Apurba Kumar Das, son of late Dilip Kumar Das, by Occupation
Service, aged about- 39 years, permanent resident residing at 36,
Shibtala Road 1st Lane(West), Post Office- Nonachandan pukur,
Barrackpore, Pincode- 700122.

3. Santosh Kumar, son of Sri Bhagwat Prasad Yadav, by Occupation
Service, aged about- 39 years, permanent resident of Vill. & P.O.-
Kalyanpur, P.S.-Briyarpur, District-Munger, Bihar-811211.

4. Gautam Chakraborty, son of Late Satish Chandra Chakraborty, by
occupation Service, aged about- 57 years, residing at Purba Putiary,
Dakshin Para, Kolkata- 700093.

5. Praudin Pradhan, son of Late- Benu Pradhan, by occupation Service,
aged about- 47 years, residing at 42/G, Gholeshapur, Railway
Quarter, Behala, Kolkata- 700034.

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6. Rishikesh Kumar, son of Sri Tapeshwar Singh, by occupation Service, aged about- 39 years, residing at Rail Vilhar, 904-K, New Town, Kolkata- 700156.
7. Subhendu Mistry, son of Late Manoranjan Mistry, by Occupation Service, aged about- 53 years, resident of Santoshpur Government Colony, Post Office- Santoshpur Maheshtala, Kolkata- 700142.
8. Nand Kumar Sharma, son of Late Balweshwar Sharma, by occupation Service, aged about- 47 years, resident of Railway Quarter No. 05/118, North Sealdah Road, Kolkata- 700009.
9. Shantunu Som, son of Late Mukul Ranjan Som, by occupation Service, aged about 50 years, resident of Mitra Para, 2nd lane, Harinavi, Kolkata- 700145.
10. Jitendra Chaudhury, son of Late Rajendra Chaudhury, by Occupation Service, aged about 42 years, resident of Mirdanga Apartment, Pan Para, Kolkata- 700122

... Petitioners / Applicants

AND

1. Union of India service through the General Manager Eastern Railway, Fairlie Place, Kolkata- 700001.
2. The Principal Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata- 700001.
3. Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah.
4. The Secretary, Railway Board, Rail Bhawan, New Delhi- 110001.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/343/2019
MA/350/189/2019

Date of Order: 15.03.2019

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

Abdul Gaffar Mollah & Ors –vs- Eastern Railway

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

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicants, and Mr. P.K.Roy, Ld. Counsel for the Official Respondents, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- “a) The provisional Seniority List of all grades Technicians (Tele) published by the respondent no. 3 vide office order dated 11.02.2019 is not tenable in the eye of law and as such the same may be quashed.
- b) An order do issue directing the respondent not to count to services rendered by the WM/WTM (Openline/Microwave) in the parent Cadre/Department for the purpose of Seniority and promotion on their merger and absorption in the cadre of the applicant and thereby the recast the e Provisional Seniority List of all grades Technicians (Tele) published by the respondent no. 3 vide office order dated 11.02.2019.
- c) Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof concessionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii) above.
- d) Grant all consequential benefits.
- e) Such further order or orders, Direction or Direction as Your Lordships may deem fit and proper.”

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3. Brief case of the applicant, as submitted by Ld. Counsel, is that the applicants were engaged under the railways on diverse dates. They are presently working as Telecom Maintainer under the Sealdah Division, Eastern Railway. The applicants prefers this Original Application being aggrieved by the Publication of Provisional Seniority List dated 11.02.2019 of all grades Technicians (Tele) under Sr. DSTE/SDAH after merging of various technicians in two unified decentralized Cadre as well as the placement of the WTM/Openline, WN/Microwave above the applicants in such seniority list.

4. At the outset, Ld. Counsel for the applicant submitted that the grievance of the applicants may be more or less redressed if the representation filed under Annexure-A/4 is considered by Respondent No. 2 within a specific time frame.

5. Mr. P.K.Roy, Ld. Counsel for the Official Respondents, submitted that this O.A. is not maintainable as the representation has been preferred only by the applicant No. 6, i.e. Rishikesh Kumar, and there is no document to show that other applicants have ventilated their grievance before the authorities.

6. On perusal of the record and after hearing Ld. Counsel for both the parties, this O.A. is confined in respect of applicant No.6, i.e. Rishikesh Kumar, only. M.A. 189/2019 filed for joint prosecution is disposed of accordingly.

7. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant No.6 under Annexure-A/4, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order and till the representation is considered and result communicated to applicant No.6, status quo as on date so far as continuance of the applicant No.6



is concerned will be maintained. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

9. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

10. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS

