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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CALCUTTA BENCH.

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985

O.A. No. 350/1930/2018

Dipak Kumar Majumder, son of  
Durga Pada Mazumder, residing at Village  
- Barduer (Gungun Vill), Post Office -  
Azimganj, District - Murshidabad, working  
as Porter-ACLE/Under Railway B.C.I.  
pin - 742122.

Applicant.

- Versus -

1. Union of India represented by  
General Manager, Eastern Railway, 17,  
Netaji Subhas Road, Fairlie Place,  
Kolkata-700001.

2. Senior Divisional Operational  
Manager, Eastern Railway, Howrah  
Division, Howrah -711101.

3. Senior Divisional Personnel Officer,  
Eastern Railway, Howrah Division,  
Howrah - 711101

Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1930/2018

Date of Order: 04.03.2019

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

Dipak Kumar Majumder -vs- E. Rly

For the Applicant(s): Mr. P.Sanyal, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.Sanyal, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Mr. M.K.Bandyopadhyay, Ld Counsel, who usually appears for the Eastern Railways, is present in the Court, on my request, Mr. Sanyal has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. Bandyopadhyay, in extenso.

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

"a) An order directing the respondent to consider the representation dated 05.05.2018 made by the applicant for granting him due seniority as per his entitlement.

b) An order directing the respondents to grant him the seniority from the date of his initial engagement in the railway department i.e with effect from the year 1984 as per order dated 28.06.1991 of the Hon'ble Tribunal in O.A No. 592 of 1987 with all consequential benefits.

c) An order directing the respondents to consider the applicant for promotion to the Post of T.C after assigning him his due seniority.

d) An order directing the respondents to submit all the relevant papers and documents before the Hon'ble Tribunal for proper adjudication.

e) Any other order or further order or orders as your Lordships may deem fit and proper.

*Wd*

f) Costs. "

4. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant was initially engaged as an approved Hot Weather Staff by an order dated 31.03.1984 but later his name was found to have been deleted from the list of approved Hot Weather Staff by an order dated 20.05.1986, after allowing him to work in the Department from the year 1984-86. Incidentally, before issuance of the said order, the applicant had earned temporary status by virtue of completion of 400 days of service under the Railway Department. Ld. Counsel submitted that, being aggrieved, he had approached this Tribunal being O.A No. 952/1987 which was disposed on 28.06.1991 in favour of the applicant and he was engaged by the Railway since 1991. Now the grievance of the applicant is that he was not given seniority retrospectively from 1984 as per the order of the Tribunal, but the same was counted from the year 1991. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred a representation dt. 05.05.2018 (Annexure-A/3) before Respondent Nos. 2 and 3 for determining his seniority from 1984 instead of 1991 and to extend the consequential benefits as per order dated 28.06.1991 passed by the Tribunal in O.A.No. 952/1987 (Annexure-A/1). He further submitted that since the representation of the applicant is still pending consideration, the applicant's grievance may be redressed if Respondent Nos. 2 and 3 are directed to consider the representation within a specific time frame.

5. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2 and 3 to consider the representation of the applicant as at Annexure-A/3, if the same has been filed and is pending consideration, keeping in mind the order passed under Annexure-A/1, 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. I make it clear that if

*AO*

after such consideration the grievance of applicant is found to be genuine and he is otherwise entitled for the relief claimed by him then representation shall be taken to grant him the benefit of seniority within a further period of six weeks from the date of such consideration. I 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.

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

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K.Patnaik)  
Member(J)

RK/PS