

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1995.

O.A. No. 350/340 of 2019.

SRI GOBINDA PAINE, Son of Late  
N. Paine, working as Leon Pilet  
Shunting-II, under CCC/R/DDJ/  
Eastern Railway/Sealdah Division,  
Sealdah, and residing at:- Vill.  
and Post:- Maslandapur, Dist.:-  
North-24-Parganas, Pin no.:-743  
289.

..... Applicant.

- Versus -

1. UNION OF INDIA, through the  
General Manager, having his office  
at:- Eastern Railway, 17, N.d. Road  
Kolkata - 700 012

2. THE DIVISIONAL RAILWAY MANAGER,  
having his Office at:- Eastern  
Railway, Sealdah Division, Sealdah,  
Kolkata - 700 014.

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3. THE SENIOR DIVISIONAL PERSONNEL  
OFFICER, having his Office at:-  
Eastern Railway/Sealdah Division/SDAH,  
Kolkata - 700 014.

4. THE SENIOR DIVISIONAL ELECTRICAL ENGG.  
having his Office:- Eastern Railway/  
OP/Eastern Railway/SDAH/Sealdah Divi-  
sion, Kolkata - 700 014.

..... Respondents.

AD

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/340/2019

Date of Order: 12.03.2019

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

*Gobinda Paine -vs- Eastern Railway*

For the Applicant(s): Mr. N. Roy, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

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

- "a) To issue direction upon the respondents to consider the representation; dtd. 27.7.18 for unwillingness to accept the promotion of loco pilot/goods forthwith.
- b) To issue further direction upon the respondents to quash/cancel and/or set aside the letter dtd. 10.8.18 which was remarked by Sr. DEE/OP/E.Rly./SDAH; where the letter, dtd. 14.8.18 for necessary action. So according to that letter, dtd. 10.8.18 may be cancelled.
- c) To issue further direction upon the respondents not to accept the promotion of loco pilot/goods to the applicant where the applicant is working as loco pilot Shunting-II, that post may be continued forthwith;
- d) Any other order or further order or orders as Learned Tribunal deem fit and proper under the circumstances of the case.
- e) To produce Connected Departmental Record at the time of Hearing."

2. Heard Mr. N. Roy, Ld. Counsel appearing for the applicant. Mr. S. K Das, Ld. Counsel, who usually appears for the Eastern Railways is present and on my request, Ld. Counsel for the applicant has served copy of the O.A. on him. Heard Mr. S. K. Das in extenso:

3. The case of the applicant as narrated by the ld. counsel for the applicant is that the applicant, who is presently working as Loco Pilot Shunter in Eastern Railway, is aggrieved due to non-consideration of his representation dated 27.7.18

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by which he informed the authorities about his unwillingness to accept his promotion as Loco Pilot (Goods). Mr. Roy, Id. Counsel for the applicant submitted that the said representation of the applicant was not accepted by the authority concerned with the remark "not Accepted". He further submitted that the applicant will be satisfied for the present if a direction is issued to the Respondent No.3 to consider and dispose of the representation as per rules within a specific time frame.

4. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the sides if such prayer of the Id. counsel for the applicant is allowed.

5. Accordingly, without entering into the merit of the matter, I dispose of the O.A by directing the respondent No. 3 i.e. the Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Kolkata to consider and dispose of the representation of the applicant dated 27/07/2018 under Annexure A-7 keeping in view the rules and guidelines governing the field within a period of 6 weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith. If the applicant's grievance is found to be genuine, then expeditious steps may be taken by the respondent authorities to grant the benefits to the applicant within a further period of six weeks from the date of taking decision in the matter.

6. With the above observations and directions, the O.A stands disposed of.

No costs.

7. A copy of this order be handed over to Ld. Counsel for both sides.

(A.K Patnaik)  
Member (J)