

LIBRARY

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/1815/2018

Indrajit Hazari, son of H. K. Hazari, aged about 50 years, working for gain as Junior Engineer II/Howrah/Cons II, under Dy. Chief Engineer, CON II, E. Rly, Howrah and at present residing at H2 - 140 Sarsuna Satellite Township, Sakuntala Park, Behala, Kolkata - 700061.

Applicant

- Vs -

1. Union of India through General Manager,
Eastern Railway, Fairlie Place, Kolkata - 700 001.
2. Chief Personnel Officer,
Eastern Railway, Fairlie Place, Kolkata - 700 001.
3. Chief Administrative Officer(Con),
K K K, Eastern Railway, Fairlie Place, Kolkata - 700 001.
4. Divisional Railway Manager,
Eastern Railway, Howrah - 1.
5. Sr. Divisional Personnel Officer,
Eastern Railway, Howrah - 1.
6. Dy. Chief Engineer (Con)/II/E. Rly.
Howrah - 1.

Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1815/2018

Date of Order: 19.12.2018

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

Indrajit Hazari -vs- UOI & Ors.

For the Applicant(s): Mr. C.Sinha, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

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

“8.(a) To direct the respondents to cause them to act in terms of Office Order dated 22.02.2016 issued by CPO, Eastern Railway and incorporate the name of the applicant in the seniority list of Junior Engineer of the Howrah Division of Eastern Railway without prejudice to his seniority from Danapur Division of E.C. Railway with all consequential benefits.

(b) To direct the respondents to incorporate the name in the provisional integrated seniority list of Technical Supervisors of Civil Engineering Department of Eastern Railway in connection with selection for the post of AEN – Group B through 70% quota – 2018 by declaring him eligible for the said selection.

(c) Any other order or orders as the Hon'ble Tribunal deems fit and proper.”

3. The brief case of the applicant as enumerated by the Ld. Counsel for the applicant is that being aggrieved regarding non-transfer of lien from Danapur Division of the erstwhile Eastern Railway (now E.C., Railway) to Howrah Division of Eastern Railway, the applicant had filed an Original Application No. 975 of 2013 which was disposed of vide order dated 11.03.2014 with a direction upon the respondent to transfer the lien of the applicant from Danapur Division with a further direction that the said transfer of lien shall not operate to the

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prejudice of the applicant with regard to his seniority. Due to non-compliance of the said order CPC being no. 237 of 2014 was filed and during the pendency of the said CPC and Office order dated 22.02.2016 was issued by the CPO, Eastern Railway transferring the lien of the applicant from Danapur Division Howrah Division of Eastern Railway without prejudice to the seniority of the applicant. Accordingly, CPC 237 of 2014 was dropped vide order dated 22.11.2017. As Order dated 11.03.2014 and Office order dated 22.02.2016 was not implemented in its true spirit and import and as the name of the applicant was not incorporated in the seniority list of JE without prejudice to his seniority, applicant submitted representation dated 18.07.2018 but of no avail. A Provisional Integration Seniority List of Technical Supervisors of Civil Engineering Department of Eastern Railway in connection with selection for the post of AEN – Group 'B' through 70% quota 2018 was circulated vide letters dated 28.09.2018 and 09.10.2018 wherein the name of the applicant though eligible for the said selection was not incorporated. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation on 05.11.2018 under Annexure A/16 to Respondent Nos. 2 and 5, which has already been forwarded vide letter dated 07.11.2018, but till date no reply has been communicated to the applicant. He further submitted that the grievance of the applicant may be redressed, if the Respondent Nos. 2 and 5 are directed to consider his representation within a specific time frame.

4. 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 Nos. 2 and 5 to consider the representation of the applicant under Annexure A/16, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt



of copy of this order. I make it clear that if after such consideration the applicant's case is found to be genuine and he is otherwise suitable to appear for selection to the post of AEN then he may be allowed to participate in the said selection. 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 two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 5 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K Patnaik)
Member (J)

RK/PS