

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O. A. NO. 350/1773/2018

PARTICULARS OF THE APPLICANTS:

1. Sri Kartick Chandra Das, Son of Late Niranjan Das, aged about 51 years, Working as Trackman, Eastern Railway, residing at Jafarpur, Panchanantala, P.O. NC Pukur, Dist. 24 Paganas (North), West Bengal 700122.
2. Sri Jayanta Chatterjee, son of Late Gopinath Chatterjee, aged about 41 years, working as Trackman, Eastern Railway, residing at E-23, Sree Guru Abasan, Kalachandpara, Garia, Kolkata 700084.
3. Sri Paritosh Das, son of Late Netai Chandra Das, aged about 44 years, working as Gatekeeper, Eastern Railway, residing at Shyam Bandhu Plaza-1, Flat No. 31D (3rd floor), VI/D Road, anandapuri, P.O. NC Pukur Dist. 24 Parganas (North), Kolkata 7000122
4. Sri Apurba Mondal, son of Late Sanatan Mondal, aged about years, working as Gatekeeper, Eastern Railway, residing at Village Taldanga, P.O. Nawpara, P.S. Ranaghat, West Bengal 741258
5. Sri Samir Kumar Maity, son of Ram Chandra Maity, aged about years, working as Gatekeeper, Eastern Railway, residing at 698 Sukuntala Park, 12 FT Road, P.O. Sarsuna, Kolkata 700061
6. Sri Mithlesh Prasad, son of Raghunath Prasad, aged about years, working as Gatekeeper, Eastern Railway, residing at 2/D AL Banerjee Street, P.O. Konnagar, Dist. Hooghly, West Bengal 712235.

bl

7. Sri Mrityunjoy Ghosh, son of Late Balaram Ghosh, aged about 47 years, working as Trackman, Eastern Railway, residing at 86/A, Subhas Nagar Govt. Colony, P.O. More Pukur, P.S. Rishra, Dist. Hooghly, West Bengal 712250.

8. Sri Ashis Bhattacharyya, son of Late Shibdas Bhattacharyya, aged about 56 years, working as Trackman, Eastern Railway, residing at Vijoy Villa 1st Floor, Flat no. B, 3, Ramnabamitala Lane, PO., P.S. Bally, Dist. Howrah 711201

9. Sri Lal Baboo Prosoṭ, son of Ram Lakhan Prosoṭ, aged about 52 years, working as Trackman, Eastern Railway, residing at 2/9, Mill Approach Road, Kamarhati, Kolkata 700058.

10. Sri Basant Kumar, son of Ram Kumar Singh, aged about 41 years, working as Gatekeeper, Eastern Railway, residing at 205/D, Rail Colony, Ambagan, Hooghly, Bander, Chinsurahy, West Bengal 712123.

11. Sri Santosh Kumar Ghosh, son of Sri Jaydeb Ghosh, aged about 51 years, working as Gatekeeper, Eastern Railway, residing at Udayanpally, Nawabgang, Ichapur, 24 Paraganas (North), West Bengal 743144

12. Sri Amar Bahadur Singh, son of Late Kamala Pd. Singh, aged about 50 years, working as Trackman, Eastern Railway, residing at Lichubagan, Qtr. No. 53, Gondalpara, Hooghly, West Bengal 712137.

AD

13. Sri Subroto De, son of Late NK De, aged about 51 years, working as Trackman, Eastern Railway, residing at Shivpur 2nd Lane, Tribeni Hooghly, West Bengal 712503.
14. Sri Gouram Deb, son of Late Ananta Kr. Deb, aged about 51 years, working as Gatekeeper, Eastern Railway, residing at 245, Nandan Nagar, Belgharia, Kolkata 700083.
15. Sri Nabawip Chandra Mondal, son of Late Dulal Chandra Mondal, aged about 47 years, working as Gatekeeper, Eastern Railway, residing at Vill Nandan Kanan, P.O. Ganganagar, P.S. Madhyamgram, Kolkata 700132
16. Sri Partha De, son of Sri Ranjit Kumar De, aged about 44 years, working as Gatekeeper, Eastern Railway, residing at Satyajit Pally Kumarpara, Maheshtala, Kolkata 700141
17. Sri Amiya Biswas, son of Late Brajabasi Biswas, aged about 50 years, working as Gatekeeper, Eastern Railway, residing at Bamangachi, 24 Parganas (North), West Bengal 743706
18. Sri Subhas Ghosh, son of Lakshmi Kanta Ghosh, aged about 43 years, working as Trackman, Eastern Railway, residing at 45/A, Naval Park, Kalinibas, Nonachandpukur, Barrackpore, Kolkata 700122
19. Sri Tapan Dutta, son of Late Anil Dutta, aged about 51 years, working as Trackman, Eastern Railway, residing at 21/1 Sahapur (East), New Alipore, Kolkata 700053

20

6
20. Sri Sanjoy Paul, son of Late Manik Ratan Paul, aged about 48 years, working as Trackman, Eastern Railway, residing at Ichapur Prantik, Ichapur, Nawabganj, 24 Paraganas (North), West Bengal 743144

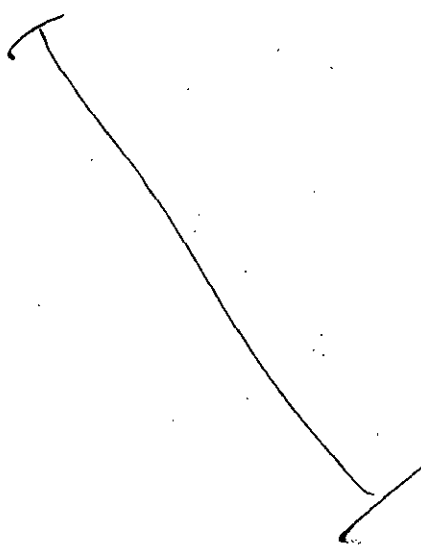
.... *APPLICANTS*

V E R S U S

- I. The Union of India, through the General Manager, Eastern Railway, Fairlie Place, Kolkata 700 001.
- II. The Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata - 700001.
- III. The Divisional Railway Officer, Eastern Railway, P.O. & P.S. Howrah, Distt. Howrah 1.
- IV. The Senior Divisional Engineer (Co-ordination), Eastern Railway, P.O. & P.S. Howrah, Distt. Howrah 1.
- V. The Senior Divisional Personnel Officer, Eastern Railway, P.O. & P.S. Howrah, Distt. Howrah 1.

.....*RESPONDENTS*

WQ



-5-

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1773/2018
MA/350/888/2018

Date of Order: 01.02.2019

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

Kartick Ch. Das & Ors. -VS- E.Railway

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

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicants, and Mr. S.K.Das, Ld. Counsel appearing for Official Respondents, in extenso.

2. M.A.No. 888/2018 filed by the applicants for jointly prosecuting this case is allowed and disposed of accordingly.

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

"8.(i) An order do issue directing the respondents to allow the applicant to charge their categories since the authority concerned while passing speaking order observed that their appeal will be kept in priority for change of category of Engineering Staff.

(ii) Leave may be granted to the applicants to file this Original Application Jointly under the Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as because the grievance of the applicants are identical and all are similarly circumstances person.

(iii) Speaking Order dated 15.07.2016 issued by Divisional Railway Manager, Howrah cannot be tenable in the eye of law and same may be quashed."

4. Brief facts of the case, as submitted by Ld. Counsel for the applicants, are that the applicants under Ex-Serviceman quota were appointed in the Indian Railways as Trackman and posted under different Section Engineers of Eastern Railways. Applicants' have prayed for change of their category. Ld. Counsel for

WJ

the applicant further submitted that the applicants had moved before Central Administration Tribunal, Calcutta Bench in OA No. 84 of 2014, which was disposed of with a direction upon respondents to consider the prayer of the applicants for change of category and, accordingly, Speaking Order was issued by the authority concerned stating that at present it is not possible to consider the prayer of the applicant for change of category but their appeal will be kept in priority for change of category. The applicants made representation through the learned advocate stating that a notification was issued for filling up of a good number of vacancies but their prayer was not considered. It is submitted that the prayer of some lady employees was considered for change of category but prayers of the applicants are kept pending.

5. During the course of hearing, Mr. Chakraborty, Ld. Counsel for the applicants, fairly submitted that the applicants have not ventilated their grievance before the appropriate authority after sending Advocate's notice, which has also not been replied to. Therefore, applicants pray liberty of this Tribunal to ventilate their grievance by making a comprehensive representation, enclosing all required documents, to Respondent No. 5 within a period of two weeks.

6. After hearing Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. granting liberty to the applicants to make a comprehensive representation, annexing all the relevant documents, before Respondent No. 5 within a period of two weeks from the date of receipt of copy of this order and in case any such representation is preferred within a period of two weeks from the date of receipt of copy of this order then Respondent No. 5 is directed to consider the same, keeping in mind all the documents to be annexed with the representation, as per rules and regulations in force and communicate the result to the applicants in a well reasoned order within a period of six weeks from

WAL

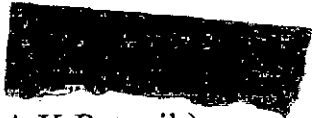
the date of receipt of the said representation. I hope and trust that if after such consideration the Respondents are satisfied that the grievance of the applicants is genuine then expeditious steps be taken to redress their grievance so far as change of category is concerned.

7. With the aforesaid observation and direction, this O.A. stands disposed of.

No costs.

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

Applicants are granted liberty to annex a copy of this order along with their representation to be preferred within two weeks.


(A.K.Patnaik)
Member(J)

RK/PS

