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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/001965/2018

In the matter of :-

An application Under Section 19 of the
A. T. Act, 1985;

- And -

In the matter of:-

1. Sri Kartik Das, son of Late Tribeni Das, aged about 58 years, working as Khalasi Helper (C&W) under Senior Section Engineer, IC/C&W Sealdah, Eastern Railway, Kolkata - 700014, residing at 98, Hewlet Road, P.O- Kanchrapara, P.S- Bijpur, Dist - 24 pgs (N), Pin - 743145.
2. Sri Bisal Das, son Sri Kartik Das, aged about 25 years, by occupation Unemployed youth, residing at 98 Hewlet Road, P.O- Kanchrapara, P.S- Bijpur, Dist- 24 pgs (N), Pin- 743145.

...Applicants

- Versus -

Wd

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1. Union of India, Service through the
General Manager, Eastern Railway,
17, N. S. Road, Kolkata - 700001.
2. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Sealdah, Kolkata - 700014.
3. The Senior Divisional Personnel
Officer, Eastern Railway, Sealdah
Division, Sealdah, Kolkata -
700014.
4. The Senior Section Engineer, C&W,
Eastern Railway, Sealdah Division
Sealdah, Kolkata-700014.

...Respondents



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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1965/2018
M.A/350/978/2019

Date of Order: 07.01.2019

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

Kartik Das & Another -vs- Eastern Railway

For the Applicant(s): Ms. A Sarkar, Counsel

For the Respondent(s): Ms. C.Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. A.Sarkar, Ld. Counsel for the applicants, and Ms. C.Mukherjee, Ld. Counsel appearing for Official Respondents, in extenso.

2. M.A.No. 978/2018 filed for joint prosecution of this case is allowed and disposed of.

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

“ i) to issue direction upon the respondents and their men and agents to consider the appointment of the son of the applicant under LARSGESS scheme forthwith;

ii) to issue direction upon the respondents and their men and agents to deal with and disposed of the representation of the applicant dated 18.12.2018 in Annexure – A2 forthwith;

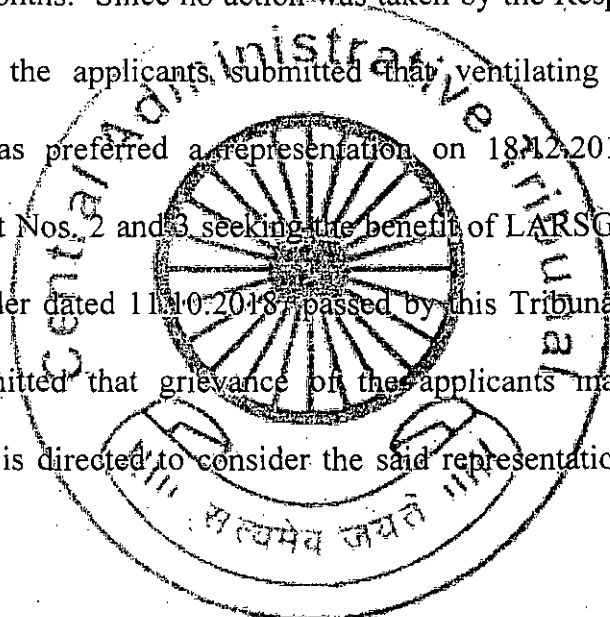
iii) to direct the respondents to extend the benefit of the judgement of the Hon'ble CAT, Kolkata Bench dated 11.10.2018 forthwith;

iv) and to pass such other order or further order or orders as to this Hon'ble Tribunal may deem fit and proper.”

4. Brief facts of the case as narrated by the Ld. Counsel for the applicants is that the applicant No. 1, who is working as Khalasi Helper (C&W), Eastern Railway, had applied between 2013 till 2017 for appointment of his ward under the LARSGESS SCHEME. The authorities time to time forwarded their applications

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for grant of appointment under the said scheme but the said scheme was withheld by an order of the court. Subsequently, the Hon'ble Supreme Court directed the Railways to revisit the Scheme which was put on hold in terms of Railway Board's letter dated 27.10.2017. In the meantime, when the applicant's son had completed the entire process and was awaiting for appointment, suddenly the Railway Board issued two circulars namely RBE NO. 150/2018 & RBE NO. 151/2018. Ld. Counsel for the applicant submitted that Hon'ble CAT Kolkata Bench vide its order dated 11.10.2018 in batch of similar cases has directed the Railway Authorities to examine the cases of the individual applicants and issue appropriate orders within 3 months. Since no action was taken by the Respondents thereafter, Ld. Counsel for the applicants submitted that ventilating his grievance the applicant No.1 has preferred a representation on 18.12.2018 (Annexure-A/2) before Respondent Nos. 2 and 3 seeking the benefit of LARSGESS Scheme while complying the order dated 11.10.2018 passed by this Tribunal in similar matter. She further submitted that grievance of the applicants may be redressed if Respondent No.2 is directed to consider the said 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 No. 2 to consider the representation dt. 18.12.2018 (Annexure-A/2), 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. I make it clear that if after such consideration the grievance of applicant No.1 is found to be genuine and he is otherwise entitled then expeditious steps be taken to give appointment to his son under LARSGESS Scheme within a further period of six weeks from the date of such consideration. I make it clear that if in

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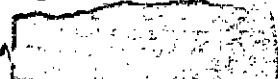
the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

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 applicants, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, she 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

