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IN THE CENTRAL ADMINISTRATIVE

CALCUTTA BENCH, KOLKATA

O.A. No. 350/1670/2018

PARTICULARS OF THE APPLICANT:

I, Manish Kumar Gupta, son of Vijoy Prasad, aged about 35 years, residing at Rikabganj, Durga Sthan, Post Office - Tekari, District - Bihar - Gaya, Bihar 824236

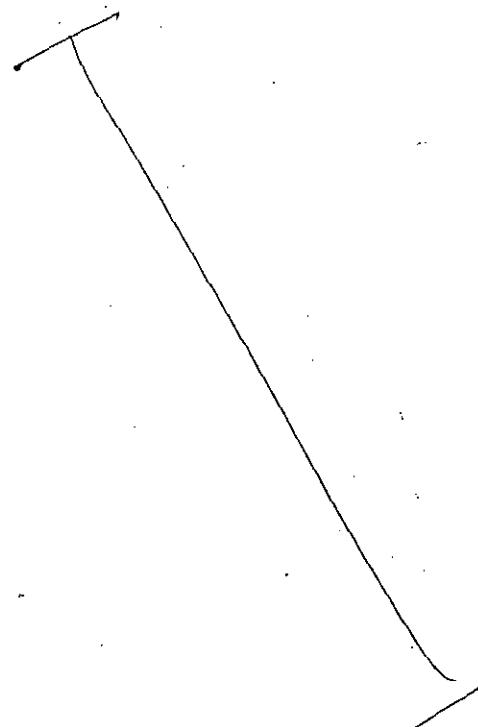
..... *APPLICANT*

V E R S U S

- i) Union of India, through the General Manager, Eastern Railway, Fairli Place, Kolkata 700 001
- ii) The Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata 700 001.
- iii) The Senior Divisional Personnel Officer, Eastern Railway, Sealdaha, Kolkata. 14
- iv) Senior Divisional Personnel Officer, Eastern Railway, Asansol. 713321

... *RESPONDENTS*

W.L



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1670/2018

Date of Order: 15.11.2018

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

Manish Kumar Gupta

-vs-

Eastern Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel
Ms. P. Mondal, 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 applicant, and Mr. S.K. Das, Ld. Counsel for the Official Respondents.

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

"i) Declaration that the order of mutual transfer dated 04.07.2018 between the applicant and Amit Kumar Baidya cannot be sustained in the eye of law as the same violated Para 3 of RBE 107 of 2017.

ii) An order do issue directing the respondents to grant promotion in favour of the applicant in the post of Ticket Examiner in Sealdah Division since he was selected in the said post vide office order dated 04.07.2018."

3. The applicant, who is an OBC, was initially appointed as a Porter on 20.08.2013 under Senior DOM, Eastern Railway, Sealdah and was posted under BCI/Netra, Eastern Railway. He applied for mutual transfer with Amit Baidya, a porter working under CYM/Andal. The application for mutual transfer was not



considered and thereafter the applicant made a prayer for cancellation of such prayer for mutual transfer. In the month of February 2018, the applicant was allowed to appear in the Selection test for promotion to the post of Ticket Examiner against 16.2/3% p.a and a panel of successful candidates was published wherein his name was placed in the successful panel but the authority concerned did not release him to join in the post of Ticket Examiner. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation under Annexure-A/5 on 05.11.2018 before Respondent No.2. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if Respondent No.2 is directed to consider his representation within a specific time frame keeping in mind RBE No. 107/2017 (Annexure-A/3).

4. 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 of the applicant under Annexure-A/5, if the same has been filed and is pending before him for consideration, keeping in mind RBE No. 107/2017 (Annexure-A/3) 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 till the representation is considered and result thereof is communicated to the applicant, status quo as on date so far as continuance of the applicant in the present place of posting shall be maintained. 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. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2 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

