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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No/350/ 01423 of 2018

Shri Panchu Gowala, aged about 43 years son
of Late Dhuki Gowala (Ex. Tech. Gr. III, T. No.
482 under SSE/IC/C & W/Naihati), Eastern
Railway residing at Kulipara, Kazidanga,
Debanandapur, P.O. Bandel, Dist. Hooghly, Pin -
712123.

... Applicant

- Versus -

1. Union of India, service through the General
Manager, Eastern Railway, Fairlie Place, 17, N.
S. Road, Kolkata - 700001.
2. The Divisional Railway Manager, Eastern
Railway, Sealdah Division, Sealdah - 700014.
3. The Divisional Mechanical Engineer, Eastern
Railway, Sealdah Division, Sealdah - 700014.

all

4. The Sr. Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah - 700014.
5. The SSE/IC/C&W/Naihati, Eastern Railway, Sealdah Division, Pin - 743165.

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1423/2018

Date of Order: 04.01.2019

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

PANCHU GOWALA -VS- EASTERN RAILWAY

For the Applicant(s): Mr. J.R Das, Counsel

Ms. T.Maity, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. T.Maity, Ld. Counsel for the applicant, and Mr. S.K.Das, Ld. Counsel for the Official Respondents in extenso.

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

“ i) An order/direction directing the respondent authority to consider the VR sanctioned to the applicant as on withdrawn and cancelled w.e.f 1.11.2016 and allows the applicant to rejoin his post and status on immediate basis.

ii) An order directing the respondents to consider the case of the applicant under Rule 88 of CCS (Pension) Rules, 1972 and allow him to rejoin his post and status maintaining due continuity of service in the interest of justice.

iii) An order directing the respondents to produce entire records of the case since lying within the jurisdiction of this Hon'ble Tribunal for conscionable justice.

iv) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper. ”

3. Brief facts of the case as enumerated by the Ld. Counsel for the applicant is that the applicant, who was working as Tech. Gr. III, under SSE/IC/C&W/Naihati, had applied for Voluntary Retirement on personal ground on 5.7.2016 addressed to

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the Divisional Mechanical Engineer. The said Voluntary Retirement was accepted by the concerned authority and communicated to the applicant on 26.9.2016. Thereafter, as per office instructions, the applicant submitted item wise documents through his Ld. Advocate on 25.1.2017 for payment of his dues, to which no reply was received by him. The applicant, later on, requested the competent authority for cancellation/withdrawal of his application for Voluntary Retirement. Having received no reply, the applicant submitted RTI application on 27.3.2017, followed by another appeal U/s 19 of the RTI Act, to the ADRM/SDAH. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation dt. 04.09.2018 (Annexure-A/12), which is still pending for consideration. She further submitted that grievance of the applicant may be redressed if Respondent No.2 is directed to consider his representation within a specific time frame.

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, 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 the applicant is found to be genuine then expeditious steps be taken to allow him to join duty within a further period of six weeks from the date of such consideration. I 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 a period of two weeks.

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

Handwritten signature

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

