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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH

ORIGINAL APPLICATION NO. 907 OF 2018

PRADIP KUMAR SARKAR

Son of Late Ashok Kumar Sarkar, aged about 42 years, working for gain as SSP/TRD, at present working under Senior Section Engineer TRD), Eastern Railway Rampurhat, District-Birbhum, PIN-731224, residing at Village-Amodghata (Baganpara), P.O. & P.S.- Mogra, District- Hooghly, PIN-7112148.

... APPLICANT

-VERSUS-

- i) Union of India, service through the General Manager, Eastern Railway, Fairlie Place, 17, Netaji Subhas Road, Kolkata-700001.
- ii) The Chief Personnel Officer, Eastern Railway, Fairlie Place, 17, Netaji Subhas Road, Kolkata-700001.
- iii) The Senior Divisional Personnel Officer, Eastern Railway, Howrah, P.O.- Howrah, District: Howrah, PIN-711001.

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- iv) The Addl. Divisional Railway Manager, Eastern Railway, Howrah Division, P.O.- Howrah, District: Howrah, PIN-711001.
- v) The Senior Divisional Electrical Engineer (DEE)/TRD, Eastern Railway, Howrah Division, P.O.- Howrah, District: Howrah, PIN-711001.
- vi) The Senior Section Engineer (TRD), Eastern Railway, Liluah, P.O.- Liluah, District-Howrah, PIN-711001.
- vii) The Additional Railway Manager, Eastern Railway, Rampurhat, P.O.- Rampurhat, District-Birbhum, PIN-731224.
- viii) The Senior Section Engineer (TRD), Eastern Railway, Rampurhat, P.O.- Rampurhat, District-Birbhum, PIN-731224.
- ix) The Assistant Engineer (Elect.), Eastern Railway, TRD, Rampurhat, P.O.- Rampurhat, District-Birbhum, PIN-731224.

... RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/907/2018

Date of Order: 27.09.2018

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

For the Applicant(s): Mr. N. D Bandyopadhyay, Counsel

For the Respondent(s): Mr. P. K Roy, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel appearing for both the parties.

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

- "a) An order directing the respondents, particularly, the Additional Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah, to consider and dispose of the appeal of the applicant dated 12th February, 2018 submitted to the Additional Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah and the pending condition of the said appeal, the applicant has been transferred illegally and motivatedly from Liluah, District: Howrah to Rampurhat, District: Birbhum and the applicant submitted an appeal dated 11th May, 2018 by obeying the transferred order and submitted to return back at Bandel Depot or Sherophully Depot as his family members including his ailing mother are residing at Mogra and there is no any male member.
- b) To pass such other order or orders, direction or directions as Your Lordships may deem fit and proper."

3. Ld. Counsel for the applicants submitted that ventilating his grievance the applicant has preferred an appeal under Annexure-A/4 dated 12.02.2018 before ADRM, Howrah against the punishment imposed upon him vide order dated 01.01.2018 but till date no response has been communicated to him.

4. Since the specific prayer of the applicant in this O.A. is to direct the Respondent No. 4 to consider his pending appeal, without entering into the merit of the matter, I dispose of this O.A. by directing the Respondent No.4 to consider the appeal of the applicant under Annexure-A/4, if the same has been preferred and is still pending consideration, as per rules and regulations in force by giving personal hearing to the applicant to place his case before the said authority by following the

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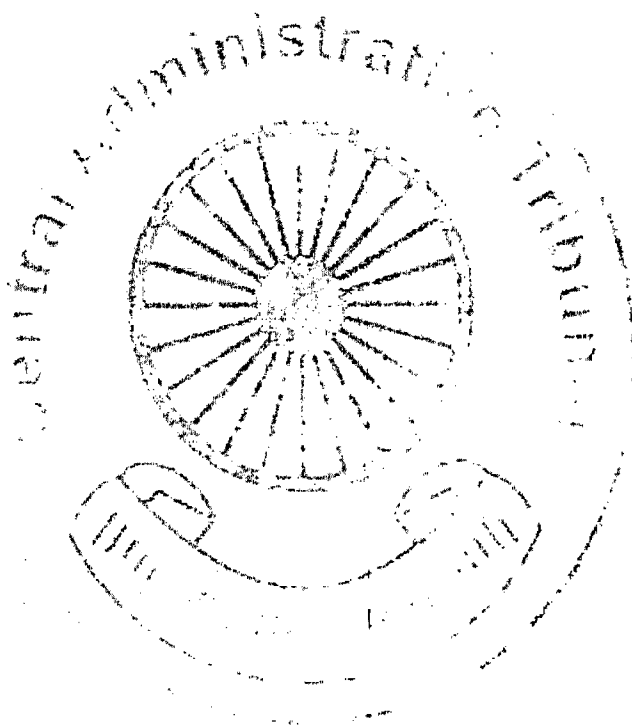
— principle of natural justice and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. I also make it clear that if in the meantime the appeal of the applicant has already been disposed of then the result thereof be communicated to him within a period of two weeks.


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

6. Copy of this order be transmitted to Respondent No.4 by speed post at the cost of the applicant, for which Ld. Counsel for the applicant undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be also handed over to the Ld. Counsels for both the sides.

RK/PS




(A.K. Patnaik)
Member (J)