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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A. No.350/00 367 of 2019

GOUR PALMAL, son of Sailen Palmal,
aged about 59 years 11 months,
working for the post of Electrical Signal
Maintainer-III (in short ESM III) under
S&T Department, Metro Railway,
Kolkata, residing at Village & P.O.
Abash, P.S. Kotwali, District Paschim
Medinipur, Pin-721102.

... APPLICANT

V E R S U S

1. **UNION OF INDIA**, service through
the General Manager, Metro Railway,
31/1, J.L. Nehru Road, Kolkata-700071.

2. **PRINCIPAL CHIEF PERSONNEL
OFFICER**, Metro Railway, 31/1, J.L.
Nehru Road, Kolkata-700071.

3. **CHIEF PERSONNEL OFFICER**,
Metro Railway, 31/1, J.L. Nehru Road,
Kolkata-700071.

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4. **FINANCIAL ADVISER & CHIEF
ACCOUNTS OFFICER**, Metro Railway,
Metro Railway, 31/1, J.L. Nehru Road,
Kolkata-700071.

5. **SENIOR PERSONNEL OFFICER**,
Metro Railway, 31/1, J.L. Nehru Road,
Kolkata-700071.

6. **CHIEF SIGNAL & TELECOM
ENGINEER**, Metro Railway, 31/1, J.L.
Nehru Road, Kolkata-700071.

7. **SENIOR SIGNAL & TELECOM
ENGINEER**, Metro Railway, 31/1, J.L.
Nehru Road, Kolkata-700071.

... RESPONDENTS



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/367/2019

Date of Order: 15.03.2019

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

Gour Palmal -vs- Metro Railway

For the Applicant(s): Mr. B.Chatterjee, Counsel

For the Respondent(s): Mr. M.K.Bandyopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B.Chatterjee, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Mr. M.K.Bandyopadhyay, Ld. Counsel who usually appears for the Metro Railway, is present in the Court, on my request, Mr. Chatterjee has served copy of the O.A., along with annexures on her as I do not want the Official Respondent to go unrepresented. Heard Mr. Bandyopadhyay, *in extenso*.

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

"a) An order do issue directing the respondent authorities to quash and set aside the Office Order bearing No. MRTS/E-345/15 S&T/Pt.I passed by Dy. Chief Personnel Officer dated 10.10.2017.

b) An order do issue directing the respondent authorities to quash and set aside the Office Order bearing No. E-V/22/2017 issued by Sr. Personnel Officer for Chief Personnel Officer dated 31.10.2017.

c) An order do issue directing the respondents to quash and set aside the Office Order bearing No. MRTS/E.345/15/S&T/Pt.II dated 02.11.2018.

d) An order do issue directing the respondents to quash and set aside the Office Order bearing No. MRTS/E.345/15/S&T/Pt.II dated 18.05.2018 issued by Assistant Personnel Officer for Chief Personnel Officer.

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e) An order directing the respondents to treat the period from 22.12.2005 to 01.11.2017 as spent on duty for all purposes and disburse the Pay & Allowances of the said period along with all consequential benefits treating him as regular ESM Grade -III from 25.02.1991.

f) An order directing the respondents to produce/cause production of all relevant records.

g) Costs

h) For any other appropriate relief or reliefs as your Lordships may deem fit and proper."

4. Brief case of the applicant, as submitted by Ld. Counsel, is that applicant was initially engaged as Temporary Khalasi in the year 1986. Thereafter, on 25.2.1991, applicant became an Electrical Signal Maintainer III. While the applicant was working as such, one Criminal Case was initiated against him and he was detained in custody and accordingly on 15.06.1992, the applicant was suspended. After conclusion of the trial of the criminal case, the applicant was convicted and sentenced by the Learned Additional Sessions Judge, 5th Court, Alipore vide judgement dated 15th June, 1992, against which, the applicant filed a Criminal Appeal being CRA no. 166/1993 and during pendency of the said Criminal Appeal, applicant was removed from service under Rule 14(I) of Railway Servant Disciplinary Rules, 1968 w.e.f 22.11.2005. However, subsequently on 19.04.2017, the said Criminal Appeal being CRA No. 166/1992 was allowed and the applicant was acquitted from the criminal charges. After acquittal by the Hon'ble High Court, the applicant made a representation on 16.05.2017 before the General Manager, Metro Railway, Kolkata for re-instatement in service and, accordingly, he was reinstated on 10.10.2017 in service with a rider that the intervening period, i.e. from the date of removal from service w.e.f. 22.12.2005 till his reinstatement i.e 01.11.2017, will be treated as break in service. The applicant

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made series of representations before several authorities for regularisation of his service but to no avail.

5. Ld. Counsel for the applicant fairly submitted that although the applicant ventilating his grievance has preferred representation under Annexure-A/16 on 12.06.2018 but till date no reply has been communicated to him. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent Nos. 2 and 3 within a specific time frame.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2 and 3 to consider the representation of the applicant under Annexure-A/16, 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 further make it clear that if after such consideration it is found that the counting of past service of the applicant was not done keeping in mind the rule position then expeditious steps be taken within a further period of six weeks to count his past service and to extend the other consequential benefits. 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 a period of two weeks.

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

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, he undertakes to deposit the cost with the Registry within a week.

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


(A.K. Patnaik)
Member(J)

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