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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

O.A. No.350/ 01311 of 2018

In the matter of :

An application under Section 19 of
the Administrative Tribunal Act,
1985;

And

In the matter of :

Bholanath Pramanik, Son of Subal
Pramanik, Helper - II, Ticket
No.1793/C, Working under Dy.
CMM/GSD/KGP, residing at
Birkola, Post Office - Chatarkol,
District - Paschim Medinipur, PIN
- 721467.

....Applicant

-Versus-

1. The General Manager, South
Eastern Railway, 11, Garden Reach
Road, Kolkata - 700043.



2. The Chief Personnel Officer,
South Eastern Railway, 11, Garden
Reach Road, Kolkata - 700043.

3. The Chairman, Railway
Recruitment Cell, South Eastern
Railway, 11, Garden Reach Road,
Kolkata - 700043.

4. The Divisional Railway
Manager, South Eastern Railway,
Kharagpur, Post Office -
Kharagpur, District - Paschim
Medinipur, PIN - 721301.

5. Assistant Personnel Officer,
South Eastern Railway, Kharagpur,
Post Office - Kharagpur, District -
Paschim Medinipur, PIN - 721301.

.....Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1311/2018

Date of Order: 18.12.2018

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

Bholanath Pramanik -vs- UOI & Ors.

For the Applicant(s): Mr. S.K.Bhowmik , Counsel

For the Respondent(s): Ms. G. Roy, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

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

“8.(i) An order or direction do issue upon the respondents authority to consider the prayer of promotion as Good Guards of the applicant according to the notification of Chairman/RRC, S.E. Railway vide No. SER/O-HQ/RRC/GDCE/2017, dated 14.07.2017 in One Arm Category.

(ii) An order or direction do issue upon the respondent authorities to keep vacant one Post Gods Guard in relation of the notification of RRC/SE. Rly on 14.07.2017, till the disposal of this original application.

(ii) Any other or further order do issue as to this Hon'ble Tribunal may seem fit and proper.”

3. The brief case of the applicant as enumerated by the Ld. Counsel for the applicant is that the applicant is now working as Helper – II under Dy CMM/GSD at Kharagpur. A notification was issued by the Chairman, RRC, S.E. Rly. Kolkata on behalf of Chief Personnel Officer that 125 No. of Posts for Station Master and 285 No. of Post for Goods Guard would be filled up through General Departmental Competitive Examination. In that selection process physically handicapped Person

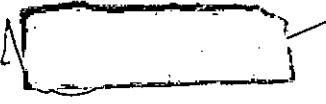


with One Arm Category are eligible for making application for the Post of Goods Guard. Applicant applied as per proforma enclosed with the notification. He was called for Written Examination and Document verification. On being successfully in the aforesaid examination, his name was empanelled for the post of Goods Guard. Thereafter he was sent to CMS/KGP for medical Fitness Test. According to the Ld. Counsel for the applicant, despite being fit in vision test his name has not been considered due to he being poor in One Arm. According to Railway Board Guideline dated 27.08.2009 he made a representation to the Chairman, RRC, S.E. Rly. And Chief Personnel Officer, S.E. Rly., Garden Reach, Kolkata for consideration of his candidature but the authority concern did not respond on that representation. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation on 30.07.2018 under Annexure A/9 to Respondent Nos. 2 and 3 but that has not yet been considered. He further submitted that the grievance of the applicant may be redressed, if the Respondent Nos. 2 and 3 are directed to consider his representation within a specific time frame.

4. 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/9, if the same has been filed and is pending for consideration, 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 if after such consideration the applicant's case is found to be genuine and he is otherwise entitled then he may be given the benefit of promotion within a further period of six weeks. 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.

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5. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.
6. 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 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