

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA.

LIBRARY

C.A. No. 350/181/2019

PARTICULARS OF THE APPLICANT:

Biswajit Pandit, son of Purna Chandra Pandit, aged about 31 years, by Occupation-Service, residing at Village-Harirampur, Post Office-Ghosh, P.S.-Memari, District-Burdwan, PIN-713146, West Bengal.

...APPLICANT.

- V E R S U S -

PARTICULARS OF THE RESPONDENTS:

1. Union of India, service through the General Manager, South Eastern Railway, Garden Reach, Kolkata-700043.
2. The Chief Personnel Officer, South Eastern Railway, Garden Reach, Kolkata-700043
3. The Chairman, Railway Recruitment Cell, South Eastern Railway, Garden Reach, Kolkata-700043.
4. The Divisional Personnel Officer, South Eastern Railway, Kharagpur Division, Kharagpur, Paschim Medinipore-721301.

...RESPONDENTS.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/181/2019

Date of Order: 15.02.2019

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

Biswajit Pandit -vs- S.E Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondent(s): Mr. A. K Banerjee Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant. Mr. Chakraborty submitted that he has already sent copy of the O.A. along with annexures, to the Respondents.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Banerjee, who usually appears for the South Eastern Railways, is present in the Court, on my request, Mr. Chakraborty has served copy of the O.A., along with annexures, on him as I do not want the Official Respondent to go unrepresented. Heard Mr. A.K.Banerjee, 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 respondents to take steps for change of category/post of the applicant and make suitable arrangements for his posting in any other Departments so advertised in the notification being Employment Notification No. SER/RRC/02/2012 dated 29.09.2012.

b) An order do issue directing the respondents to consider the representations preferred by the applicant by taking steps for change of category/post of the applicant and thereby making arrangements for s posting in any other Departments under the Eastern Railway."

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4. Brief facts of the case of the applicant as narrated by Mr. A. Chakraborty, Ld. Counsel for the applicant, are that pursuant to one **Employment Notice No. SER/RRC/02/2012**, the applicant applied for the selection in Group D post and came out successful in the selection process. The grievance of the applicant is that he had been appointed to the post of Track Maintainer-IV in Engineering Department vide office order dtd. 06.10.2017 although he had not applied for the said post. It is further submitted that all the advertised 313 posts of Track Maintainer were exhausted much prior to his joining and, as such, the railways ought to have considered his case for appointment in any other advertised post for which he had actually applied for. Ld. Counsel further submits that less meritorious candidates were given appointment to the post to which they had applied for. Ld. Counsel for the applicant submitted that ventilating his grievance, the applicant preferred representation dated 03.12.2018 (Annexure-A/3) before Respondent Nos. 2, 3 and 4 but no communication has been made to the applicant from the said authorities till date. He, however, submitted that the applicant's grievance may be redressed if a direction is issued to Respondent Nos. 2 and 4 to consider the representation of the applicant as at Annexure-A/3 within a specific time frame.

5. 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 4 to consider the representation of the applicant as at Annexure-A/3, if the same have 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. It is made clear that if after such consideration the grievance of applicant, with regard to change of category, is found to be genuine then expeditious steps be taken within a further period of six weeks to redress the same.



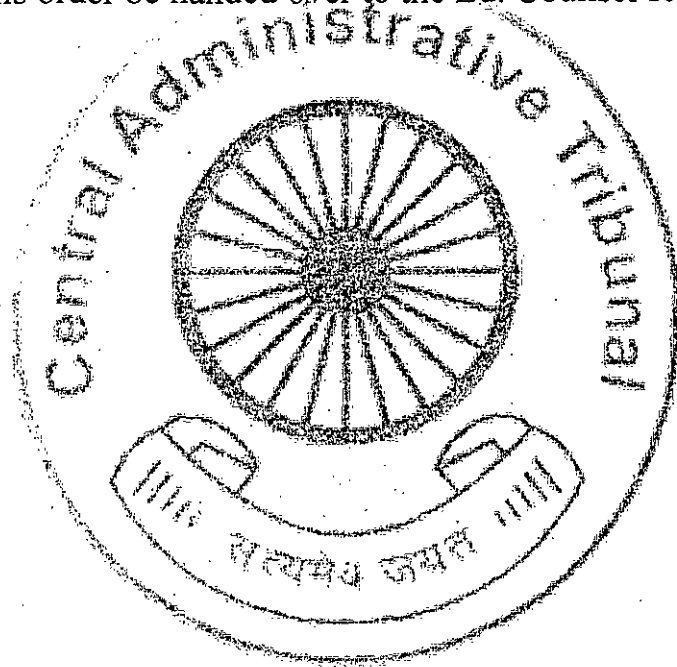
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I make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 4, by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

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



(A.K.Patnaik)
Member(J)

RK/PS