

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00110/2018

Date of order: 11.04.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Anil Chandra Mandi, son of Fakir Chandra Mandi,
By faith- Hindu, working as Tower Organ Driver
Grade-I, under Sr. Section Engineer
(S.S.E)/TRD/Halishahar/E. Rly, and residing at Vill-
Jetia (Natunpara), P.O. Jetia, P.S. Bizpur, Dist- North
24 Parganas, Pin- 743 135.

..... Applicant

- V E R S U S -

1. The Union of India, Through the General Manager, Eastern Railway, 17, N. S. Road, Kolkata – 1.
2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 14.
3. The Senior Divisional Personnel Officer, E. Rly, Sealdah Division, Sealdah, Kolkata- 14.
4. The Sr. Divisional Elect. Engineer (TRD)/E. Rly, Sealdah Division, Sealdah, Kolkata- 14.

..... Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"8(a) To issue direction upon the respondents to consider the representations, dtd. 29.12.2017, 22.11.17, 06.06.17 for the post of promotional post of Sr. Technical Tower Organ Driver forthwith.

[Signature]

- (b) To issue further direction upon the respondents to quash/cancel and/or set aside the order, dtd. 05.01.18 forthwith.
- (c) To issue further direction upon the respondents to give promotion for the post of Sr. Technical Tower Organ Driver according to restructuring rule forthwith.
- (d) Any other order or orders as the Ld. Tribunal deem fit and proper.
- (e) To produce connected departmental record at the time of hearing."

2. Heard Ld. Counsel for both sides, examined documents on record. The matter is taken up at the admission stage.

3. Ld. Counsel for applicant submitted that the applicant is a Tower Organ Driver Grade- I under the respondent authorities and that his name was included at Srl. No. 17 in the seniority list published on 28.05.2015. Thereafter, however, his name has not been included in the subsequent seniority list published on 22.05.2017 and, even though he had represented on the same, his name was omitted from the seniority list dated 24.05.2017 for seniority-cum-suitability test.

That, on 26.09.2017, another seniority list was published on the seniority of Tower Organ Drivers in Electrical TRD/Sealdah against sanctioned strength of 11 for the post of Senior Technical Tower Organ Driver. The applicant however, was not considered and he was also ignored in the revised suitability test list published on 09.11.2017 despite his representations to such effect.

That, the applicant had preferred a representation on 22.11.2017 praying for participation in suitability test/screening for the post of Sr. Technical Tower Wagon Driver with a reminder dated 29.12.2017 respectively.

Ld. Counsel for the applicant further submits that the applicant would be fairly satisfied if a direction is issued to the concerned respondent authority to dispose of the representations of the applicant in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of such representation as per law.

5. Accordingly, without entering into the merits of the matter, and with the consent of the parties, we hereby direct the respondent No. 3, namely, the Sr.

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5. Accordingly, without entering into the merits of the matter, and with the consent of the parties, we hereby direct the respondent No. 3, namely, the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah Division to decide on the representations of the applicant dated 22.11.2017 & 29.12.2017 respectively, if received at his end, within a period of eight weeks from the date of receipt of a copy of this order and to dispose of the same with a reasoned and speaking order. The decision so arrived at is to be communicated to the applicant forthwith thereafter.

In case the applicant is found eligible to participate in the said suitability test/screening, necessary directions be issued by the respondent authorities with intimation to the applicant.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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