



CALCUTTA BENCH, KOLKATA

DA/350/00243/2019

PARTICULARS OF THE APPLICANT:

SONALI BISWAS, daughter of late Birendra Nath Roy, aged about 43 years, residing at Near Inda Boys High School, Post Office - Inda, District - Paschim Midnapur, Pin 721305, West Bengal.

..... APPLICANT

V E R S U S -

- (i) The Union of India, through General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043
- (ii) The Deputy Chief Electrical Engineer (W), Post Office - Kharagpur, District - Paschim Medinipur, 721301
- (iii) The Assistant Personnel Officer (G), Post Office - Kharagpur, District - Paschim Medinipur, 721301

..... RESPONDENTS

WL

-2-

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/249/2019

Date of Order: 05.03.2019

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

Sonali Biswas -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.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Banerjee, Ld. Counsel 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:

“ i) An order do issue directing the respondents to recast the panel dated 05.01.2009 and include the name of the applicant in the panel for promotion to the post of JE since the private Respondent who got the less mark than the applicant was empanelled and got promotion.

ii) Panel of the selected candidates published on 05.01.2019 cannot be sustained in the eye of law and therefore the same may be quashed.”

4. The case, in short, as submitted by Ld. Counsel for the applicant is that a notification was issued inviting application from the eligible staff for selection to the post of JE in the Grade pay of Rs. 4200/- . A list of eligible candidates was published. The applicant was found eligible to appear in the selection test. It is

(A)

submitted that ten candidates were approved by the competent authority to the post of JE but the name of the applicant was not figured in the panel. The authorities published the marks obtained by 119 candidates in which the applicant got higher marks than the private respondents. Ld. Counsel for the applicant submitted that ventilating his grievance, the applicant preferred representation dated 28.01.2019 (Annexure-A/5) before Respondent No. 2 but no communication has been made to the applicant from the said authority till date. He, however, submitted that the applicant's grievance may be redressed if a direction is issued to Respondent No. 2 to consider the representation of the applicant as at Annexure-A/5 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 No. 2 to consider the representation of the applicant as at Annexure-A/5, 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. It is made clear that if after such consideration the grievance of applicant, with regard to his promotion, is found to be genuine and he is otherwise eligible then expeditious steps be taken within a further period of six weeks to give him the promotional benefit. 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 3, by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

AD

-4-

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

(A.K.Patnaik)
Member(J)

RK/PS

