

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO. 350/1432 OF 2018

IN THE MATTER OF:

An Application Under Section 19 of
the Central Administrative Tribunal,
Act, 1985;

AND

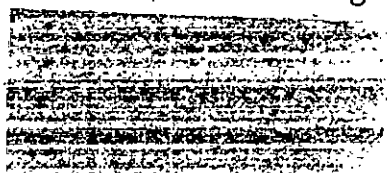
IN THE MATTER OF:

Sunil Kumar Naskar, aged about - 46
years son of Late Monmotha Nath
Naskar, of Village- Ramkrishnapur,
Post Office- Rashkhali, Police Station-
Bishnupur, District- South 24-
Parganas, Pin-743610.

...APPLICANT

-Versus-

1. Union of India, Ministry of
Railways, Government of India, Rail
Bhavan, Raisina Road, New Delhi-
110001, service through its Secretary;



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2. The Railway Board, Ministry of Railway, Government of India, Rail Bhawan, Raisina Road, New Delhi-110001, service through its Chairman.

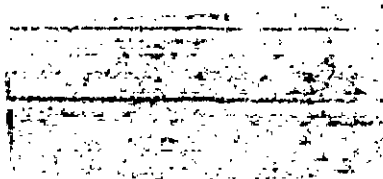
3. The Chairman, The Railway Board, Ministry of Railway, Government of India, Rail Bhawan, Raisina Road, New Delhi-110001.

4. South Eastern Railway, Garden Reach, 11, Garden Reach Road, Kolkata-700043, service through its General Manager.

5. The General Manager, South Eastern Railway, Garden Reach, 11, Garden Reach Road, Kolkata-700043, service through its General Manager.

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

....RESPONDENTS



WLL

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1432/2018

Date of Order: 07.01.2019

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

Sunil Kumar Naskar -vs- S.E Railway

For the Applicant(s): Ms. P. Das, Counsel

For the Respondent(s): Mr. C. S Bag, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. P.Das, Ld. Counsel for the applicant, and Mr. C.S.Bag, Ld. Counsel appearing for the Official Respondents, in extenso.

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

"a) An order directing the respondents to provide appointment to the Applicant in a group 'D' post in Railway service under the Ministry of Railway, Government of India taking into consideration the Memo dated 19/24.10.2011 issued by the Deputy Director (R) II, Railway Board, Ministry of Railway, Government of India.

b) Call for the records of the case on perusal thereof considerable justice may be done in favour of the Applicant.

c) Any other order of further order/orders as to this Hon'ble Tribunal may deem fit and proper;

d) Cost of the proceeding"

3. Brief facts of the case as submitted by the Ld. Counsel for the applicant is that the applicant applied for appointment in the Railways under General Manager's quota in the year 2009. Ld. Counsel for the applicant submitted that

Wd

although the applicant's name was reflected at Sl. No. 5 (in the panel for 15 candidates) in the Select List but no appointment order was issued in favour of him for which he has made a comprehensive representation on 09.05.2017 (Annexure-A/14) before the Chief Personnel Officer, S.E.Railways (Respondent No.6). Ms. Das further submitted that as per information received by her, already some persons have been appointed but when the applicant himself was empanelled and placed at Sl. No.5 his case has been ignored till date.

4. On being questioned, whether the applicant has received any information regarding his preferred representation, Ms. Das submitted that till date no reply has been received by the applicant. In view of this, instead of awaiting for any reply statement from the Respondents, without going into the merit of the matter, I dispose of this O.A. by directing the Chief Personnel Officer, S.E.Railways (Respondent No.6) to consider the representation dt. 09.05.2017 of the applicant, if the same has been filed and is pending for consideration, keeping in mind the position of the applicant in the Select List as well as the grounds on which other persons have been appointed 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 any inadvertent error has occurred then necessary steps be taken within a further period of six weeks to grant the applicant appointment, if he is otherwise eligible. 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.

5. With the aforesaid observation and direction, this O.A. stands disposed of.


No costs.



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6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 6, for which, she 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

