

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985.

Q.A. No. 350/00151 of 2019.

1. SRI BIMAN KUNDU, Son of Biswanath Kundu, residing at: 4/2, Authpur Roy Para, P.O.: Authpur, Dist.: 24-Parganas (North), Posting under SM/SDAH as PTR/SDAH under SR DOM/SDAH.

2. Sri DWIJEN MUKHERJEE, Son of Late Dilip Kr. Mukherjee, residing at: Vill.+P.O.: Ghosh Para (West), Bally, Dist.: Howrah (2). Posting under SM/SDAH as Peintsman/SDAH under SR DOM/SDAH.

3. SPI KOUSICK BANERJEE, Son of Late Sambhu Nath Banerjee, residing at: 195, A.P.C. Road, Kolkata-700 004, Posting under SM/BLN as PTR/BLN under SR DOM/SDAH.

4. SRI RANAJIT ROY, Son of Late Madhu Sudan Roy, residing at: Vill.-

406

Nadia, P.O.: - Dhanyakuria (Kmnar Para),
Dist.: - 24-Parganas (North), Pin no.: -
743 437. Posting under SS/DDC as
PTR/DDC under SR DOM/SDAH.

5. SRI DIBAKAR PAKRASHI, Son of Late
Krishnagopal Pakrashi, residing at:
39A, Dum Dum Road, Kolkata - 700 074.
Posting ~~xx~~ under SR CIT/SDAH as Peon/
SDAH under SR DCM/SDAH.

6. SRI SOUMEN MONDAL, Son of Prabhat
Kr. Mondal, residing at: Garulia Dakshin
Para, P.O. Garulia, Dist.: 24-Parganas
(North), Pin no.: - 743 133. Posting
under CYM/KOAA as Suntman/KOAA under
SR DOM/SDAH.

7. MD MAJIN KHAN, Son of MR. Manjur,
residing at: 2, Badhuddin Street,
Kolkata- 700 073, Posting under CS/
Parcel/SDAH as PTR/SDAH under SR DCM/
SDAH.

8. SRI MANOJ KUMAR, Son of Shyam
Bihari Prasad, residing at: Natun Pally,

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Subhasgram, Kalkata - 700 147, Posting
under CS/Parcel/SDAH as PTR/SDAH under
SR DCM/SDAH.

9. SRI SUBHANKAR MAJUMDER, Son of Late
Sanchay Kumar, residing at: 38/8, P.
Majumder Road, Kalkata-700 078. Posting
under SS/BP, as PTR/BP under SR DOM/
SDAH.

10. SRI SUKANTA CHOWDHURY, Son of San-
tosh Kr. Chowdhury, residing at: 64/1/52,
Khudiram Bose Sarani, Kalkata-700 037.
Posting under SS/SDAH as PTR/SDAH
under SR DOM/SDAH.

11. SRI BIJANGSU KUMAR SARKAR, Son of
Late Binod Bihari Sankar, residing at:
Vill.-Kushuria, P.O.: Pritinagar,
Dist.: Nadia, Pin no.: 741 247. Posting
under SM/Naihati as Pointsman/Naihati
under SR DOM/Naihati.

12. SRI MANIK CH. HALDER, Son of Late
Karuna Kanta Halder, residing at: 13,

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Chowhdury Para Road, Barasat,
Kolkata- 700 124. Posting under GYM/
SDAH as Shuntman/SDAH under SR DOM/
SDAH.

13. MD ALTEB HASSAN, Son of Muktarul
Hassan, residing at: 69B, Ballygunge Rly.
Quarter, Kolkata-700 029. Posting as
BS/Dhakuria as PTR/Dhakuria, under
SR DCM/SDAH.

14. SRI DIBYENDU ACHARJEE, Son of Dipak
Kr. Acharjee, 111, Madhumurali, P.O.: -
Salipara, Barasat, Kolkata- 700 124.
Under SM/Baranagore Road Station, as
PTR/Baranagar under SR DOM/SDAH.

15. SRI SUMIT KUMAR SUMAN, Son of
Ramdev Mehta, residing at: Dumdum Purva
Sinthi Lane, Kolkata- 700 039. Posting
under CS/Parcel/SDAH as PTR/SDAH under
SR DCM/SDAH.

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XXXXX the application is being processed

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16. SRI GANGA PROSAD AHIR, Son of Sri Harilal Ahir, residing at: 58/9, Railway Quarter, Dum Dum, Kolkata - 700 077. Posting as Pointsman under Chitpur/Eastern Railway.

17. SRI SOURAV GHOSAL, Son of Late Jyotirmay Ghosal, residing at: 167, Gokulpara, P.O. Katagunge, P.S.: Kalyani, Dist:- Nadia, Pin no.: 741 250.

- All the applicants are working, belong to Group 'D' Cadre and selected for the post of Ticket Examiners under the respondents authority.

..... APPLICANTS.

- Versus -

1. The Union of India, through the General Manager, Eastern Railway, 17, N.S.Road, Kolkata - 700 001.

2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700 004.

3. The Senior Divisional Commercial

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Manager, Eastern Railway, Sealdah
Division, Sealdah, Kolkata- 700014.

4. The Senior Divisional Personnel
Officer, Eastern Railway, Sealdah
Division, Sealdah, Kolkata- 700014.

..... **RESPONDENTS.**

Ref:

-7-

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA 350/151/2019
MANo. 84/2019

Date of Order: 04.02.2019

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

Biman Kundu & Ors.

Versus

Union of India & Ors.

For the Applicant(s) : Mr. N.Roy

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

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Instant O.A. has been filed by the applicants praying for the following relief:

- "(a) To issue direction upon the respondents to consider the representations for posting for the post of Ticket Examiners forthwith.
- (b) To issue further direction upon the respondents to give promotional post for the post of ticket examiners to the applicants forthwith.
- (c) To issue further direction upon the respondents to give promotional benefit along-with other service benefit forthwith.
- (d) Any other order or further order or orders as deem fit and proper under the circumstances of the case.
- (e) To produce Connected Departmental Record at the time of Hearing.
- (f) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT Procedure, 1987."

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

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3. M.A.No. 84/2019 filed in the instant O.A. by the applicants to prosecute this case jointly is allowed on grounds of common interest and common cause of action and is disposed of accordingly.

4. The submission of the applicants, as articulated through their Ld. Counsel, is that, on 29.12.2017, Respondent No.4 had issued an order for selection in the post of Ticket Examiner in Level-3 against promotional quota. That, the applicants, after having qualified in the written examination, were enlisted for initial promotional training of Ticket Examiner selected against the promotional quota and that, on 08.02.2018, an order was issued for sparing of Ticket Examiner/Initial course from 08.01.2018 to 08.02.2018 but no posting orders were issued in favour of the applicants.

Further, although all the applicants were selected for practical training of Ticket Examiner w.e.f. 07.05.2018, no posting orders having been issued in their favour, all the applicants had represented to the concerned authorities for considering their promotional postings along with promotional benefits for the post of Ticket Examiner but no decision has been arrived at till date by the Respondents authorities.

According to the Ld. Counsel for the applicants, the applicants would be fairly satisfied if a direction is issued to Respondent No.4 to consider their pending representation dated 11.01.2019 (Annexure-A/6 to the O.A.) within a specific time frame.

5. Ld. Counsel for the Respondents does not object to consideration of such representation in accordance with law.



6. Accordingly, without entering into the merits of the matter, and, with the consent of the Ld. Counsel for the parties, we hereby direct Respondent No.4, who is Sr. Divisional Personnel Officer, Eastern Railway, Sealdah, to examine the contents of such representation dated 11.01.2019 of the applicants (praying for activation of promotional benefits), if received at his end, within a period of four weeks from the date of receipt of this order.

7. Decisions arrived at should be conveyed in the form of a reasoned and speaking order and in accordance with law to the applicants immediately thereafter.

With these directions, O.A. is disposed of. There will be no orders as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK/PS