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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATANo. O.A. 350/01768/2018
M.A. 350/886/2018

Date of order: 8.1.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

1. Sri Dipankar Kumar Mandal,
Son of Sri P.K. Mandal,
Working as Asstt. Loco Pilot under
Eastern Railway/Sealdah Division,
And residing at : Narayani, Flat No. – AB3,
Bhatenda, Rajarhat,
Kol – 135,
P.O. & P.S. – Rajarhat,
North 24-Parganas,
Opp. : - of Rajarhat Shikshaniketan for Boys.
2. Sri Nani Gopal Biswas,
Son of Late K.R. Biswas,
Working as Asstt. Loco Pilot (E)
Under Eastern Railway/Sealdah Division,
Stn. Dum Dum,
And residing at : Vill. – Ranihati,
P.S. Bagdan, Dist. – 24-Parganas (North),
Pin no. – 743 251.
3. Sri Chandan Banerjee,
Son of Sri G.C. Banerjee,
Working as Asstt. Loco Pilot
Under Eastern Railway/Sealdah Division,
Stn. Dum Dum,
And residing at : Flat – 3D, BL-P,
BHAWANI COMPLEX,
Barowaritala, Krishnapur,
Kolkata – 700 102.
4. Sri Pradip Mukherjee,
Son of Late H.C. Mukherjee,
Working as Asst. Loco Pilot/Dum Dum/
Eastern Railway/Sealdah Division, and
Residing at : 7/2923, Gayeshpur,
P.O. – Gayeshpur,
Pin – 741 234,
P.S. Kalyani,
Dist. : Nadia.

..... Applicants.

-Versus-

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

2. The Principal Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.
3. The Divisional Railway Manager,
Eastern Railway,
Sealdah Division, Sealdah,
Kolkata – 700 014.
4. The Senior Divisional Personnel Officer,
Eastern Railway/Sealdah Division, Sealdah,
Kolkata – 700 014.

.....Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

ORDER (Oral)

Ms. Bidisha Banerjee Judicial Member:

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- (a) To issue direction upon the respondents to consider the representation, dtd. 19.5.2018 for upgradation benefit for the post of Sr. Asstt. Loco Pilot forthwith.
- (b) To issue further direction upon the respondents to give upgradation benefit G.P. 2400/- along with post of Senior Asstt. Loco Pilot forthwith.
- (c) To issue further direction upon the respondents to give upgradation benefit along with post of Senior Asstt. Loco Pilot in favour of the applicants where the same similar persons have got from the respondent authority, namely, Shri Gobindo Pinte, Sri Bikash Biswas, Sri Tarit Kumar Das, Sri Dipak Pal and Sri Sudipto Biswas, so applicants are same similar persons, prayer for G.P. Rs. 2400/- may be considered forthwith.
- (d) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT Procedure ; 1987.
- (e) Any other order or further order or orders as deem fit and proper under the circumstances of the case.
- (f) To produce connected Departmental Record at the time of hearing."

2. Ld. Counsel for the applicant is present. None appears for the respondents despite notice. Affidavit of service is taken on record.

3. Ld. Counsel for the applicant submits that he shall be satisfied if a direction is given upon the Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division i.e. respondent No. 4 to dispose of his representation dated 19.5.2018 in accordance with law.

4. Since no fruitful purpose will be served by calling for a reply in the matter unless the representation is duly considered by the officers of the respondents, it is felt that for the ends of justice, the O.A. can be disposed and it is accordingly disposed of with a direction upon the Senior Divisional Personnel Officer, being respondent No. 4 or any other competent authority to look into the grievance of the applicant as highlighted in the representation in the light of the rule cited therein and to pass appropriate reasoned and speaking order within eight weeks from the date of receipt of a copy of this order.

5. In the event, the authorities find that the applicants are entitled to the benefits as they have prayed for, they shall extend the benefits in the light of the orders cited within a further period of four weeks and pass appropriate orders to that effect.

6. It is made clear that I have not gone into the merits of the matter and all points are kept open for consideration by the concerned respondent authorities.

7. Accordingly with this innocuous direction M.A. and O.A. would stand disposed of. No costs.


(Bidisha Banerjee)
Judicial Member

SP