

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

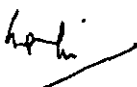
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No. O.A. 350/01519/2015

Date of order: 12.3.2019

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

1. Shri Jagabandhu Sen,
Son of Sri Tapan Kumar Sen,
Aged about 37 years,
Working as CCC under SMR/PKU,
S.E. Railway,
Residing at Vill. Mahatpur,
P.O. Naranda,
Dist. Purba Medinipur,
Pin - 721139.
2. Shri Dibya Kanti Dhara,
Son of Late Shyamal Kisor Dhara,
Aged about 35 years,
Working as CCC under DCM/KGP,
S.E. Railway,
Residing at Balaji Mandir Pally,
Malancha Road,
Kharagpur,
P.O. Nimpura,
Dist. Paschim Medinipur,
Pin - 721304.
3. Smt. Tania Mukherjee,
Wife of Dibya Kanti Dhara,
Aged about 34 years,
Working as CCC under DCM/KGP,
S.E. Railway,
Residing at Balaji Mandir Pally,
Malancha Road,
Kharagpur,
P.O. Nimpura,
Dist. Paschim Medinipur,
Pin - 721304.
4. Shri Asit Dutta,
Son of Late Nani Gopal Dutta,
Aged about 42 years,
Working as CCC under CS/SRC,
S.E. Railway,
Residing at 52/1, AJC Bose Road,
Kolkata - 700 063.



5. Shri Surjeet Kumar Ghosh,
Son of Sushil Kumar Ghosh,
Aged about 28 years,
Working as CCC under the O.S./H.V.M.,
S.E. Railway,
Residing at Subhasnagar B Block,
Near 7 No. Mahadesh Primary School,
Rishra, P.O. Nabagram,
Dist. Hooghly,
Pin - 712246.

6. Shri Sunil Nair,
Son of V.A. Kutty,
Aged about 35 years,
Working as CCC at SHM under the
ARM/SHM,
S.E. Railway,
Residing at F-7, 197, Andul Road,
Howrah - 711109.

.. Applicants

- VERSUS -

1. Union of India,
Through the General Manager,
South Eastern Railway,
Garden Reach,
Kolkata - 700 043.

2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Kolkata - 700 043.

3. The Sr. Divisional Personnel Officer,
S.E. Railway,
Kharagpur,
P.O. Kharagpur,
Dist. Paschim Medinipur,
721 301.

.. Respondents

For the Applicants : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : None

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ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"8(a). An order do issue directing the respondents to reckon the seniority of the applicants in the post of Chief Commercial Clerks in the Grade Pay of Rs. 4200/- with effect from their date of empanelment and not from joining the post after successful completion of training undergone by them.

(b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rules."

2. Heard Ld. Counsel for the applicants, examined documents on record.
3. The submissions of the applicant, as articulated by their Ld. Counsel, is that the applicants are working as Chief Commercial Clerks and Commercial Inspectors in the Pay Band of Rs. 9300-34800/- + Grade Pay of Rs. 4200/-. The applicants, having been declared successful, were sent for training and were finally absorbed in the category of Chief Commercial Clerk in the Grade Pay of Rs. 4200/-. Although the applicants had prayed to the respondent authorities to determine their seniority from the dates of their empanelment and not from the dates of successful completion of training, their representation dated 23.6.2015 (Annexure A-5 to the O.A.) remains pending with the respondent authorities and that, they would be fairly satisfied if a direction is issued on the competent respondent authority to dispose of the same in a time bound manner.
4. Although the Tribunal had directed for reply on 2.3.2017, no reply is found on record. Hence, we are of the considered view that no useful purpose would be served by allowing this matter to pend at this end since the respondent authorities are yet to dispose of the representation of the applicants.
5. Accordingly, without entering into the merits of the matter, we direct the respondent No. 3, who is the Sr. Divisional Personnel Officer, S.E. Railway, Kharagpur, to examine the contents of the representation dated 23.6.2015, if

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received at his end, within a period of six weeks from the date of receipt of a copy of this order. The concerned respondent authority shall, thereafter, decide in accordance with law, convey his decision in the form of a reasoned and speaking order and communicate the same forthwith to the applicants.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

