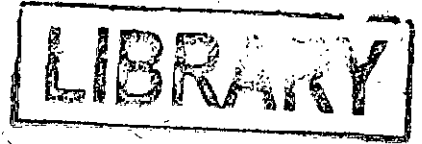


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



No. O.A. 350/00452/2019

Date of order: 8.4.2019

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

Probal Chatterjee,
Son of Late A.C. Chatterjee,
Aged about 53 years,
Working as Cabin Master of Bainchi Railway Station,
Eastern Railway,
Residing at Vill. – Bantika Roy Para,
P.O. – Bainchi, P.S. – Pandua,
District – Hooghly,
Pin Code – 712134.

Applicant

VERSUS –

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

2. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah Division,
Howrah – 711 101.

Respondents

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the
Administrative Tribunals Act, 1985 seeking the following relief:-

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"(i) Office Order being No. EAT/3/GD/Prom/Pt XI dated 15.3.2019 issued by the respondent No. 2 to the extent the same excludes the name of the applicant for undergoing promotional training course in connection with his promotion to the post of Goods Guard in Pay Band - I in the scale of Rs. 5200-20200/- + Grade pay of Rs. 2800/- against 60% promotional quota of Howrah Division is not tenable in the eye of law and as such the same should be quashed.

(ii) Office Order being No. DCC/Selec./Gds.Gd./Transp./60%PRQ dated 1.3.2019 issued by the respondent No. 2 to the extent of keeping the case of the applicant in sealed cover in connection with his promotion to the post of Goods Guard in Pay Band - I in the scale of Rs. 5200-20200/- + Grade Pay of Rs. 2800/- against 60% promotional quota of Howrah Division on the ground of pendency of criminal case is not tenable in the eye of law and as such the same should be quashed.

(iii) To extend the benefit of promotion in favour of the applicant allowing him to attend the promotional training course in connection with the said promotion;

(iv) Grant all consequential benefits;

(v) Costs of and incidental to this application;

(vi) Pass such further or other order or orders.

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant had joined the service of the respondent authorities in the year 1996 and is presently working as a Cabin Master. That the respondents had initiated a process towards general selection for formation of panel of Goods Guard in Pay Band-I in the scale of Rs. 5200-20200/- + Grade Pay of Rs. 2800/- against 60% promotional quota of Howrah Division. That the applicant had figured in the merit list published on 1.3.2019 by the respondent authorities, but he came to learn that as there is a criminal case pending against him, his results are kept in a sealed cover till finalization of the case and, although the respondent authorities have published on 15.3.2019 a list of candidates who will undergo the promotional training course, the applicant's name is not included in such a list because his proposal for promotion is kept in sealed cover.

That, the applicant approached the concerned authorities with representations but received no positive response to the same.

According to the applicant, the pendency of the criminal case is not an impediment in general selection for formation of panel for Goods Guard and as

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because there is no bar for him to attend the promotional training course and to receive consequential benefits, he has approached the Tribunal for relief.

Ld. Counsel for the applicant further submits that a representation dated 22.3.2019 (Annexure A-5 to the O.A.) to such effect was preferred to respondent No. 2, who is the Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah, and, that the applicant would be fairly satisfied if a direction is issued to the respondent authorities to dispose of the same in a time bound manner.

4. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter and with the consent of the parties, we hereby direct the concerned respondent No. 2, namely the Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah to decide on his representation dated 22.3.2019 (Annexure A-5 to the O.A.) within a period of 8 weeks from the date of receipt of a copy of this order. The decision should be taken in accordance with law and should be conveyed in the form of a reasoned and speaking order forthwith to the applicant.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Baherjee)
Judicial Member

SP