

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



O.A. 775 of 2013

Date of order: 05.03.2019

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

A Brahmmaji Rao, son of Shri A. Uma Maheswary,
aged about 27 years, residing at Rly. Qtr.. No. L/49,
B-1, Unit No. 06, New Settlement, P.O. Kharagpur,
Dist- Paschim Medinipur.

.....Applicant.

-versus-

1. Union of India, through the General Manager,
South Eastern Railway, Garden Reach, Kolkata-
700 043.
2. The Chief Personnel Officer, S. E. Rly, Garden
Reach, Kolkata- 700 043.
3. The Dy. Chief Materials Manager, S. E. Rly.
Kharagpur, P.O. Kharagpur, Dist- Paschim
Medinipur.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, AM:

The instant application has been filed seeking the following relief:

"8(a) An order do issue directing the respondents to issue an order of appointment in respect of the applicant as a Substitute Bunglow Peon.

(b) Speaking order dated 16.04.2013 issued by the Asstt. Personnel Officer (Stores)/KGP, cannot be tenable in the eye of law and as such the same may be quashed."

3. Heard Ld. Counsel for both sides, examined pleadings and documents on record.

4. The applicant's submissions, as advanced through his learned counsel, is that, the applicant, an unemployed youth and Matriculate, had prayed before the higher authority for engaging him as a fresh substitute Bunglow Peon and, that, his prayer was rejected on the ground that the Sr. Divisional Materials Manager, S. E. Railway, Kharagpur, who had less than one year of service, is not entitled to engage a substitute Bunglow Peon to be attached with him.

Ld. Counsel for applicant further submits that, the competent authority to decide the matter of appointment of fresh substitute Bunglow Peon being the G. M., the applicant would like to prefer a comprehensive representation to the competent authority citing the decision of the Tribunal in O.A. 754/2012 dated 17.07.2018 in support.

5. Ld. Counsel for the respondents does not object if such representation is directed to be disposed of by the competent authority, in accordance with law.

6. Accordingly, with the consent of both the parties, and, without entering into the merits of this matter, we hereby accord the applicant liberty to prefer a comprehensive representation to the competent respondent authority citing relevant judicial pronouncements in his support, within a period of 3 weeks from the date of receipt of copy of this order. Upon receipt of such comprehensive representation, the competent respondent authority shall issue a reasoned and speaking order, in accordance with law, within a further period of 4 weeks thereafter and convey his decision to the applicant forthwith.

7. With these directions, this OA is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

pd

(Bidisha Banerjee)
Member (J)