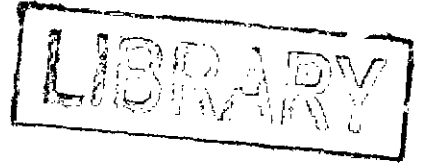


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00611/2019

Date of order: 14.6.2019

Present: Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Biswanath Patra,
Son of Late Amarendra Nath Patra,
Worked under S.M. under
Bag Bazar Station/
Eastern Railway/Sealdah Division/Sealdah
(now retired from service on 30.09.2018
Under Eastern Railway/Sealdah Division)
And residing at 1/6, Maniktala Main Road,
Kolkata - 54.

... Applicant

- VERSUS -

1. Union of India,
Through the General Manager,
Having its Head Office at :-
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
2. The Divisional Railway Manager,
Having his Office at :-
Eastern Railway, Sealdah Division,
Sealdah,
Kolkata - 700 014.
3. The Senior Divisional Personnel Officer,
Having his Office at:-
Eastern Railway, Sealdah Division,
Sealdah,
Kolkata - 700 014.

.. Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached the Tribunal in the instant Original Application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

- “(a) To issue direction upon the respondents to consider representation, dtd. 24.9.18 for retiral benefit, settlement dues along-with other service benefit forthwith.
- (b) To issue further direction upon the respondents to give Settlement dues, retirement benefit along with other service benefit to the applicant forthwith.
- (c) Any other order or further order or orders as deem fit and proper under the circumstances of the case.
- (d) To produce connected department record at the time of hearing.”

2. Heard Mr. N. Roy, Ld. Counsel for the applicant. Affidavit of service is taken on record. This matter is taken up at the admission stage.

3. The applicant's submissions, as articulated through his Ld. Counsel is, that, the applicant is purportedly working with the respondent authorities since 17.12.1991 to 30.9.2018 and was granted temporary status on 9.5.1993 vide letter dated 10.8.1999. That, on 22.11.2004, the respondent No. 2, who is the Divisional Railway Manager, Eastern Railway, Sealdah, issued a list for regularization of temporary employees and the applicant's name figured in Srl. No. 28 of the said list.

That, on 20.6.2017, the applicant submitted a representation for permanent posting, which was not responded to, and, that, prior to his superannuation on 24.9.2018, the applicant represented for settlement dues and retiral benefits, which was also denied to him. Ld. Counsel for applicant further submits that the applicant would be fairly satisfied if a direction is issued to the

hah

concerned respondent authority to dispose of his representation in a time bound manner.

4. Although the respondents are not represented, despite affidavit in service, it would not be prejudicial to so direct the respondents concerned given that the representation of the applicant is pending at their end since 24.9.2018.

5. Accordingly, without entering into the merits of the matter, we hereby direct the respondent No. 3, who is the Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division to examine the contents of the representation dated 24.9.2018, of the applicant, if received at his end, within a period of 8 weeks from the date of receipt of a copy of this order. The respondent concerned will decide on the representation in accordance with law and will convey his decision in the form of reasoned and speaking order forthwith to the applicant thereafter.

In case the applicant is found entitled to the benefits so claimed, the same should be released within a further period of 16 weeks therefrom.

6. With these directions, the O.A. is disposed of. Parties will bear their own costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Justice L. Narasimha Reddy)
Chairman

SP