

Ct.No.1 D/L 07.01.2026
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Saikat
Mukherjee

WP.CT/272/2024

**RABINDRA NATH MONDAL
VS.
UNION OF INDIA AND ORS.**

Mr. Mrinal Kanti Ghosh, Adv.

...For the Petitioner

Mr. Srijib Chakraborty, Adv.

Mr. Anish Kr. Mukherjee, Adv.

...For the Respondent

Per, Sujoy Paul, ACJ.:-

1. Parties are represented through their respective learned counsel.
2. With the consent, finally heard.
3. The challenge is mounted to the judgment dated 22nd September, 2023, passed by Central Administrative Tribunal, Kolkata, in O.A. 350/419/ 2011 wherein the petitioner/applicant prayed that respondents be directed to take a decision on his pending representation dated 28th June, 2010, seeking consideration and appointment as substitute in Railways.
4. The tribunal opined that the engagement as substitute is at the sole discretion of General Manager and is done as per requirement. Thus, petitioner has no right of appointment on the said post.
5. Criticising the said order, learned counsel for the petitioner advanced singular contention. He submits as per RBE No.116 of 2009 the General Manager/competent authority is bound to take a decision either way whether application so submitted is to be accepted or not. He

- prays for singular direction that his pending representation dated 28th June, 2010, may be decided within stipulated time in accordance with law.
6. Shri. Chakraborty, learned counsel for the respondent opposed the prayer and supported the order of the tribunal.
 7. In our opinion, in view of RBE 116 of 2009 dated 24th June, 2009, the competent authority/General Manager may take a decision on the pending application within stipulated time. Accordingly, this petition is disposed of by directing the General Manager/competent authority to decide the pending representation of petitioner within 60 days from the date of communication of this order.
 8. The petitioner shall resubmit his said application dated 28th June, 2010, along with copy of this order before General Manager. In turn, the General Manager shall pass an administrative order within two months and communicate the outcome to the petitioner.
 9. Petition is disposed of without expressing any opinion on merits.
 10. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)