

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/0116/2017

Date of order: 23.1.2020

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

Palash Das,
 Son of Ranjit Das,
 Residing at 444/N,
 Railway Boundary Road,
 New Purbachal,
 Halisahar,
 P.O. Naba Nagar,
 North 24 Parganas,
 Pin - 743136.



.....Applicant

- Versus -

1. Union of India through the
 General Manager,
 South Eastern Railway,
 11, Garden Reach,
 Kolkata - 700043.
2. The Chief Personnel Officer,
 South Eastern Railway,
 11, Garden Reach Road,
 Kolkata - 700043.
3. Senior Divisional Personnel Officer,
 South Eastern Railway,
 Chakradharpur,
 P.O. - Chakradharpur,
 Dist. West Singhbhum,
 Jharkhand,
 Pin - 833102.

.....Respondents

For the Applicant : Mr. S.K. Bhowmik, Counsel

For the Respondents : Mr. P. Prasad, Counsel

OR D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

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

" An order or direction do issue directing the respondents to pay entire arrear of difference stipend between Rs. 5500/- and Rs.5000/- P.M for the year 2006 and increment @ Rs.175/- in place of Rs.150/- for subsequent years and proper fixation as per 6th pay Commission on the basis pay Rs.5,500/- multiplying 1.86 since January, 2006 including consequential benefits."

2. Heard rival contentions of both Ld. Counsel, examined pleadings and documents on record.
3. Ld. Counsel for the applicant would submit that the applicant was recommended for the post of Traffic Apprentice vide a letter of the respondent authorities dated 5.10.2005, and, that, on 16.11.2005, he was further informed that he has been temporarily appointed as a Traffic Apprentice with Grade Pay of Rs. 5500-9000/- (RSRP), with the Rate of Stipend @ Rs. 5,500/- per month (Annexure A-2 to the O.A.). After completion of successful training, the applicant was posted as SCR (Section Controller), Chakradharpur under Sr. DOM, Chakradharpur.

Although his stipend was fixed at Rs. 5500/- per month, he was actually paid Rs. 5000/- per month which was Rs. 500/- short of his monthly stipend. Further, after declaration of VIth CPC, the respondent authorities fixed the pay of the applicant, on the basis of his pay at Rs. 5000/- with a multiplier of 1.86 thereon and even after promotion to a post with Grade Pay of Rs. 4,600/-, the applicant continued to suffer discrimination in his pay fixation as compared to other similarly situated

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employees. Hence, being aggrieved, he has approached the Tribunal praying for the aforementioned relief.

Ld. Counsel for the applicant would submit that, although the applicant has preferred a representation on 25.11.2016 (Annexure A-10 to the O.A.), the same remains pending for consideration, and, the applicant would be satisfied if a direction is issued on the competent respondent authority to dispose of the same in a time bound manner.

4. Ld. Counsel for the respondents, per contrá, would argue that the applicant's stipend was fixed at Rs. 5000/- per month as per RBE letter dated 17.11.1998 and South Eastern Railway Establishment Serial No. 273/98 dated 3.12.1998 (R-1 to the reply).

The respondents would further contend that the applicant was posted as Section Controller w.e.f. 4.2.2008 and his pay was thereafter fixed at Rs. 5850/- p.m. in the scale of Rs. 5500-175-9000/- (RSPS) in terms of RBE No. 109/92. Although the period of training would count for the purpose of drawing increment, such benefits would only be admissible on notional basis w.e.f. 1.10.1990 (Annexure R-2 to the reply). The respondents have also issued a response to the applicant (at R-4 to the reply) vide which his representation for stepping up of pay with his juniors was stated to be inadmissible in terms of the contents of such letter..

5. We find, however, that the applicant's prayer for short payment of his stipend by Rs. 500/- p.m. has not yet been replied to by the respondent authorities.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would direct the concerned respondent authority to dispose of such representation, if received at his end, and, in accordance with law, within six weeks from the date of

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receipt of a copy of this order and to convey such decision through a reasoned and speaking order forthwith thereafter.

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

[Signature]
(Dr. Nandita Chatterjee)
Administrative Member

[Signature]
(Bidisha Banerjee)
Judicial Member

SP

