

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/356/2016

Date of order: 05.12.2019

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

Biswanath Chakraborty, son of late Arun Chakraborty, a permanent resident of Vill- Dayal Nagar, P.O.- Nasra, P.S.- Ranaghat, Dist- Nadia, presently residing at 14, Sribash Dutta First Bye Lane, Howrah- 711101.

.....Applicant.

-versus-

1. Union of India, service through the General Manager, having office at Fairlie Place, 17, Netaji Subhas Road, Kolkata- 700001.
2. The Chief Personnel Officer (Admn), Personnel Department, Eastern Railway, Fairlie Place, 17, N. S. Road, Kolkata- 700001.
3. The Divisional Railway Manager, Howrah Division, E. Railway, DRM Buidling, Howrah- 711101.
4. The Sr. Divisional Personnel Officer, Personnel Department, E. Railway, DRM Building, Howrah- 711101.
5. The Divisional Personnel Officer, Personnel Department, E. Railway, DRM Building, Howrah- 711101.
6. The Chief Medical Director, E. Railway, N.K. G. Building, 12th Floor, Kolkata- 700001.



7. The Chief Medical Superintendent,
Orthopaedic Hospital, Medical
Department, E. Rly. Howrah- 711101.

.....Respondents.

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Ms. T. Das, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both.

2. This OA has been filed to seek the following reliefs:

"8(i) An order directing the Respondent Eastern Railway authorities to abide by the order as passed by the Court of the Commissioner for Persons with Disabilities, West Bengal and as such consider the percentage of disability of the applicant as calculated and certified by the Appellate Medical Board to be forty percent (40%) and thus to treat and acknowledge the applicant as an employee with 40% locomotor disabilities;

(b) An order directing the Respondent Eastern Railway authorities to accord the applicant all the benefits and privileges to which the applicant is entitled being an employee with 40% locomotor disabilities;

(c) An order restraining the Respondent Eastern Railway authorities from discriminating and/or further discriminating the applicant in any manner whatsoever upon treating the applicant to be an employee as suffering from forty percent (40%) locomotor disability as has been certified by the Appellate Medical Board.

(d) An order directing the Respondent Eastern Railway authorities to treat the period undergoing medical treatment by the applicant as leave for which the applicant is entitled to his salaries and thus to release his pending salaries for the months of June, 2013 and July, 2013 and as mentioned in paragraph 4.9 herein;



(e) An order directing the respondent eastern railway authorities to allow double transport allowance to the applicant and to pay to the applicant the such allowance as due to him since issuance of the order by the Court of the Commissioner for Disabilities being Annexure A7 herein;

(f) An order directing the respondent eastern railway authorities to place the applicant in the appropriate rank with the appropriate grade scale and to further ensure that the applicant is entrusted with job responsibilities which is feasible and at a workplace which is accessible for the applicant owing to his disabilities as aforesaid;

(g) An order directing the respondent eastern railway authorities to suitably compensate the applicant for the period he has performed the duties of a Deputy Crew Controller (DCC), however, been granted much lower salary by placing him in a lower grade, than a regular Deputy Crew Controller (DCC) draws from the Respondent Authorities;

(h) Such further order/orders as this Hon'ble Tribunal may seem fit and proper for the ends of justice."



3. At hearing, Id. Counsel for the applicant pray\$ for liberty of this Tribunal to file a comprehensive representation to the competent respondent authorities to seek redressal of his grievance.

3. Accordingly, the O.A is disposed of with liberty to the applicant to file a comprehensive representation to the Respondent No. 4 or any other competent respondent authority within a period of 4 weeks from the date of receipt of a copy of this order. In the event such representation is preferred by the applicant, the competent

respondent authority shall consider the same in accordance with law and pass appropriate orders within a period of 3 months and communicate the decision thereof to the applicant thereafter.

4. It is made clear that we have not gone into the merit of the matter and all the points to be raised in the representation are kept open for the authorities to consider.

5. Accordingly, the OA is disposed of with the aforesaid directions.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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