

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATAM.A.350/00119/2020
O.A. No.350/00202/2020.Date of order : This the 25th Day of February, 2020.**Hon'ble Mrs.Bidisha Banerjee, Judicial Member****Hon'ble Dr (Ms) Nandita Chatterjee, Administrative Member**

1. Sri Parimal Chandra Ray,
Son of Sri Ranjit Kumar Ray,
Working as Loco Pilot Goods at DDJ,
Under CCC(R)/DDJ,
Residing at Vill. Kadihati,
P.O. : - Ganti,
P.S. : Air Port,
District : 24-Parganas (North),
Pin - 700 132.

2. Sri Bhaskar Manna,
Son of Sri Durga Pada Manna,
Working as Loco Pilot Goods,
Under CCC(P)/DDJ,
Residing at Vill : Ramanathpur,
P.O. : Kumirmara,
P.S. : Chanditala,
Dist. : Hooghly,
Pin - 712 704.

3. Sri Rajeev Kumar,
Son of S.P. Gupta,
Working as Loco Pilot Goods at DDJ,
Under CCC(R)/DDJ,
Residing at Vill. Mahadevganga,
P.O. : - Borbia,
P.S. : Borbia,
Dist. : Shibpura,
Pin - 811 101.

..... Applicants.

Versus

1. Union of India
Through the General Manager,
Eastern Railway,
17, N.S. Road,

4th

Kolkata – 700 001.

2. The Divisional Railway Manager,
Eastern Railway,
Sealdah Division, Sealdah,
Kolkata – 700 014.
3. The Senior Divisional Personnel Officer,
Eastern Railway,
Sealdah Division, Sealdah,
Kolkata – 700 014.
4. The Senior Divisional Electrical Engineer (Op.),
Eastern Railway,
Sealdah Division, Sealdah,
Kolkata – 700 014.

..... Respondents.

For the applicant : Mr. N. Roy, Counsel

For the respondents : Mr. D. Nandi, Counsel

ORDER (ORAL)

DR(MS) NANDITA CHATTERJEE MEMBER(A)

The applicants have approached this Tribunal praying for the following relief :

"8. (a) To issue direction upon the respondent authorities to consider representation, dtd. 12.3.19 for incremental benefit to the applicants forthwith;

(b) To issue further direction upon the respondent authorities to give incremental benefit according to letter, dtd. 26.03.2019, issued by the Sr. DEE/E. Rly./Sealdah for incremental benefit forthwith;

(c) To issue further direction upon the respondent authorities to consider the incremental benefit where the applicants got posting as per Office Order, dtd. 20.10.17, the applicants' Serial Nos. 15, 18 and 28. The junior person, namely, Serial No. 29, Sri Swarup Kundu has got incremental benefit, so applicants' benefit may be extended forthwith;

(d) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case;

(e) To produce connected Departmental Record at the time of Hearing;

[Signature]

(f) Leave may be granted to file this joint application under 4(5)(a) of the CAT Procedure Rule, 1987."

2. Heard both Ld. counsel, examined documents on records. The matter is taken up for disposal at admission stage.

3. An M.A bearing No.119/2020 arising out of this O.A has been filed by the applicants praying for liberty to jointly pursue this application. On being satisfied that the applicants share common interest and are pursuing a common cause of action, they are permitted to jointly pursue this O.A. subject to payment of individual court fees. The M.A is disposed of accordingly.

4. Ld. counsel for the applicants would submit that the applicants, vide Order No.36/96 dated 20.10.2017, were promoted and posted as Loco Pilot Goods (LPG). The applicants, however, were arbitrarily denied their increments with effect from June 2018, although, their junior, namely, one Swarup Kundu, who was at Sl.No.29 of the list dated 20.10.2017 as compared to the applicants who were enlisted at Sl.No.s. 15, 18 and 28 respectively, was granted such incremental benefits.

The applicants preferred a representation on 12.03.2019, but received no positive response from the authorities thereupon, and, hence being aggrieved have approached the Tribunal praying for incremental benefits, which, according to the applicants was denied to them arbitrarily.

5. Ld. counsel for the applicants would further submit that the applicants may be allowed to withdraw the instant O.A with liberty to prefer a comprehensive representation to the concerned respondent authorities citing rules as well as judicial pronouncement in their support.

As Ld. counsel for the respondents does not object to such

Reh.

submission, with the consent of the parties, we would hereby grant liberty to the applicants to prefer such a comprehensive representation, before the appropriate competent authority, citing rules and judicial pronouncement in support, as applicable, within a period of 4 weeks from the date of receipt of a copy of this order.



In the event such representation is received, the said respondent authority shall examine the same, decide in accordance with law, and, convey his decision in the form of reasoned and speaking order to the applicants within a period of 8 weeks thereafter.

It is further stated that we have not entered into the merits of the matter and the respondent authorities are at liberty to examine and decide upon the contents of representations, if so received, in accordance with law.

6. With these directions, O.A is disposed of.

Applicants will pay individual court fees.

A handwritten signature in black ink, appearing to read "DR NANDITA CHATTERJEE".

(DR NANDITA CHATTERJEE)
MEMBER (A)

A handwritten signature in black ink, appearing to read "BIDISHA BANERJEE".

(BIDISHA BANERJEE)
MEMBER (J)