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CENTRAL ADMINISTRATIVE TRIBUNAL KOLKATA BENCH, KOLKATA

O.A/350/556/2020

Date of Order: 15.10.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Prabir Kumar Dutta,
Son of Late Prabhat Kumar Dutta,
Aged about 59 years,
Working as Manager (Catering)/Control,
IRCTC/EZ,
Residing at 4 No. Dr. Ashutosh Shastri Road,
Post Office – Beleghata,
Kolkata – 700010.

..... Applicant.

-Versus-

1. Union of India,
Though the General Manager,
South Eastern Railway,
Garden Reach,
Kolkata, Pin Code – 700043.
2. The Financial Advisor and
Chief Administrative Officer,
South Eastern Railway,
Garden Reach,
Kolkata, Pin Code – 700043.
3. The Chief Commercial Manager (PS & Catg.),
South Eastern Railway,
14, Strand Road, 8th Floor,
Kolkata – 700001.
4. The Group General Manager,
Indian Railway Catering and
Tourism Corporation,
Eastern Zone,
3, Koilaghata Street, Ground Floor,
Kolkata – 700001.
5. The Jt. General Manager (HRD),
Indian Railway Catering and
Tourism Corporation,
Eastern Zone,



3, Koilaghata Street,
Kolkata – 700001.

.....Respondents.

For The Applicant(s): Mr. A. Chakraborty, Counsel
Mr. Arpa Chakraborty, Counsel
For The Respondent(s): Mr. D. Chowdhury, Counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both parties.

2. The applicant had earlier approached this Tribunal vide O.A 820/2007, which was disposed of on 30.04.2010, with the following orders:

"21. xxxx

We direct the respondents to conduct enquiry, give an opportunity to the applicants and conclude the enquiry after proper adjudication and issue necessary reasoned and considered order. Till such time, the interim order which was granted by this Tribunal vide order dated 01.10.2007 will be in force."

Thereafter, he approached again by way of another O.A being No. 703/2013, which was also disposed of with the following order:

"xxxxx

11. As such the O.A is disposed of with a direction upon the concerned respondent to strictly adhere to the directions given in O.A 820 of 2007, before making any recovery from the salary of the applicant on account of any debit raised which was directly in issue in O.A 820 of 2007."

3. The applicant is aggrieved as without any enquiry a debit has been raised, which according to the applicant is in violation of principles of natural justice as no formal enquiry has preceded such recovery. He has approached this Tribunal for the third time in this O.A to seek the following reliefs:

"8.A) Office Orders dated 08.10.2018, 13.12.2018, 19.11.2018 and 07.07.2020 issued by the respondents are not tenable in the eye of law and as such the same may be quashed.

B) An Order do issue directing the respondents to pay the applicant the DCRG amount to the tune of Rs. 211375/- for the service rendered under the South eastern Railway along with all consequential benefits along with the interest accrued thereupon till date.

C) An Order do issue directing the respondents to refund the applicant back with the amount of Rs. 37448/- that has been deducted from his salary along with all consequential benefits along with the interest accrued thereupon at an earliest.

D) An Order do issue directing the respondents Railway to accord clearance towards the debit/outstanding alleged against the applicant and not to do any act contrary to the interest of the applicant thereby directing the authorities i.e. the present employer to initiate process for documentation for grant of pension and settlement dues in favour of the applicant after his retirement from the present employer without any interruption of the respondent railway;

E) Costs and Incidentals.

F) Such further Order/Orders and/or direction/directions as your lordships deem fit and proper."

4. At hearing, both the Ld. Counsels agreed that the applicant shall attend the Table Reconciliation which already started from 2010 onwards, that he will seek the documents as are required to prepare his defense/ to raise his objection, within 4 weeks from receipt of such documents, and once such objection is received, it shall be disposed of by the respondent authorities, within 8 weeks from its receipt. The entire exercise shall be completed within 4 months from the date of receipt of a copy of this order and in accordance with law.

5. The present O.A accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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