



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/697/2020

Date of order : 14.09.2020

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

SUROJIT MITRA

VS.

1. Union of India through the General Manager, Eastern Railway, 17 N.S. Road, Kolkata-700001;
2. Divisional Railway Manager, Eastern Railway, Sealdah, Kolkata-700014;
3. Senior Divisional Personnel Officer, Eastern Railway, Sealdah, Kolkata-700014;
4. Senior DEE/TRS/Sealdah Eastern Railway, Sealdah, Kolkata-700014



For the applicant : Mr. P.C. Das, counsel
Mr. N. Roy, counsel

For the respondents : Mr. K. Sarkar, counsel

ORDER

Bidisha Banerjee, Judicial Member

This O.A. has been preferred by the applicant to seek the following reliefs:-

"a) To issue further direction upon the respondent authorities to consider the representation dated 03.08.2020 for giving increment to the applicant forthwith;

(b) To issue further direction upon the respondent authority to cause cancel set-aside the order dated 06.08.2020 forthwith;

c) Any other order or further order or orders has learned Tribunal deem fit and proper;

d) To produce connected Departmental Record at the time of hearing."

2. Brief facts of this case are that the applicant was issued a charge sheet on 14.03.2016 alleging use of filthy language (unparliamentary language) while on duty. He sought for supply of relevant documents to effectively put up his defence. Applicant has alleged that no document was supplied to him but the respondents issued a letter dated 11.04.2016 stating as under:-

"In connection with reference no.(ii) you are asked to supply of documentary evidence against reference no.(i) is as follows:-

<u>Sl. No.</u>	<u>Remarks</u>
1)	<i>Already enclosed with charge sheet.</i>
2)	<i>Copy enclosed.</i>
3)	<i>No FIR was filed.</i>
4)	<i>No Audio Recording was recorded.</i>
5)	<i>No video footage was recorded."</i>

Nevertheless, the applicant submitted his reply to the charge sheet on 10.05.2016. The Enquiry Officer submitted his Enquiry Report dated 05.07.2016. The applicant submitted his reply against the Enquiry Report. A punishment order was issued on 22.08.2016 by the Disciplinary Authority withholding his next increment for a period of 3 years with non-cumulative effect. The applicant preferred appeal to the Appellate Authority and Reviewing Authority respectively but to no avail. According to the applicant, the period of his punishment already expired in the month of June, 2020 but he found that he has not been accorded with his yearly increment in July, 2020 without recording any valid reason. Aggrieved with such deprivation and arbitrary action of the respondents he preferred a representation to the Senior DPO(E-18/TR), Eastern Railway, Sealdah on 03.08.2020 whereafter an office order was issued on 06.08.2020 which reads as under:-



EASTERN RAILWAY

OEC/Punishment/E-18/TR/Mech

Dated:- 06/08/2020

OFFICE ORDER.

Sri Surojit Mitra, Tech-I/TRS/NKG, T/No. 3613, PF No. 50206120799, of BU No. 132 was suspended in the form of stoppage of increment for 3 yrs N/C vide OEE/TRS/SDAHP/ No. ELS/1/14A/279/dt 22.8.16.

On completion of punishment, his pay has been regularised as under:-

Pay Rs 33900/- in level 05 w.e.f 01.07.17 on proforma Basis (Pay not to be charged).
 Pay Rs 34900/- in level 05 w.e.f 01.07.18 on Proforma Basis (Pay not to be charged).
 Pay Rs 35900/- in level 05 w.e.f 01.07.19 on Proforma Basis (Pay not to be charged).
 Pay Rs 37000/- in level 05 w.e.f 01.07.20 on Actual Basis. (Pay to be charged).:

Arrear pay/Overpayment, if any, may be charged/recovered accordingly.

(S.K Biswas)
 Asstt. Personnel Officer-II
 For Sr. Divisional Personnel Officer
Eastern Railway/Sealdah

No recovery order has been issued, yet the applicant apprehends recovery due to overpayment/arrears and sought for stay of recovery.

A representation dated 03.08.2020 is pending disposal.

3. Heard Id. counsel for both sides and perused the records.
4. Having heard the Id. counsel for both sides, as no recovery order is under challenge, we direct the competent authority to dispose of the pending representation dated 03.08.2020 of the applicant, within 4 weeks. Further that, recovery if not effected against the applicant, shall not be effected till disposal of his representation.
5. Accordingly this O.A. stands disposed of. No order as to costs.



(Tarun Shridhar)
 Administrative Member

(Bidisha Banerjee)
 Judicial Member