

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 350/00267/2020

Date of order: 3.7.2020

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

Sudesh Hari,  
(Aged about 48 years),  
Son of Late Tilua Hari,  
Residing at Village Bazar Shaktipur,  
Post Office – Shaktipur,  
Police Station – Reginagar (at present known as  
Shaktipur),  
District – Murshidabad,  
Pin – 742163.



..... Applicant

## - VERSUS -

1. Union of India,  
Service through the General Manager,  
Eastern Railway,  
17, N.S. Road,  
Fairlie Place,  
Kolkata – 700 001.
2. The Chief Personnel Officer,  
Eastern Railway,  
17, N.S. Road,  
Fairlie Place,  
Kolkata – 700 001.
3. The Divisional Railway Manager,  
E. Railway, Howrah,  
Howrah Division,  
At Post DRM Building,  
Howrah – 711 101.
4. The Senior Divisional Personnel Officer,  
Howrah/E. Railway,  
Howrah Division,  
At Post DRM Building,  
Howrah – 711 101.

5. The Senior Section Engineer,  
PW/KWAE/NG/E. Rly.,  
Katwa,  
East Burdwan – 713130.
6. The Assistant Engineer / E. Rly/Katwa,  
East Burdwan – 713130.
7. The Office Superintendent/Engineering Department/  
KWAE/E. Rly. Katwa,  
East Burdwan,  
Pin – 713130.

... Respondents

For the Applicant : Mr. A.A. Gayen, Counsel



For the Respondents : Mr. B.P. Manna, Counsel

### O R D E R (Oral)

#### Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved at non-receipt of arrears and other consequential benefits with reference to grant of MACP, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) Issue direction upon the concerned respondents to consider and dispose of the representation dated 24.12.2019 in terms of the calculation chart as prepared by the Office Superintendent of Engineering Department / E.Rly/Katwa under supervision of DRM/E.Rly./Howrah within a specified period by providing consequential benefits of ACP and MACP in accordance with the Rules and Regulations;
- (b) Direction be made upon the concerned respondents to release/disburse the amount of difference of already paid and should be paid in accordance with pre-revised structure of pay in favour of the applicant forthwith;
- (c) Such further order or orders, direction or directions be made as the Hon'ble Tribunal may think fit and proper."

2. The applicant's submissions, as articulated through his Ld. Counsel, is that the applicant joined the respondent authorities on 31.5.1994 in the post of Trackman – III, and, was subsequently promoted to the post of

*hsl*

Trackman II on 20.7.2016. He was temporarily posted as Gatekeeper after completion of training on 24.3.2018 and is continuing since then in the same capacity.

The applicant was proceeded against for his unauthorized absence for the period from 8.11.2002 to 27.2.2003, which culminated in a penalty of reduction of increment by two stages for a period of three years with cumulative effect. That, although, the previous penalty order was issued on 3.1.2005, on 4.1.2005, another, chargesheet was drawn up against him for his unauthorized absence for the period from 3.9.2005 to 17.12.2004.

The proceedings were finally decided on 7.2.2005, culminating in a penalty of reduction of increment by one stage for a period of further of two years with non-cumulative effect. The applicant suffered both punishments and the tenure of such punishments was over within January/July, 2010.

The applicant, however, is aggrieved that, despite his suffering both penalties, his pay has not been fixed appropriately according to rules, and, he had sent a lawyer's notice on 9.9.2015, further to which, he preferred a detailed representation on 24.12.2019 (Annexure A-4 to the O.A.) to the respondent authorities, and, that, as the respondent authorities have not yet responded to his prayer, being aggrieved, the applicant has approached this Tribunal in the instant O.A.

3. Ld. Counsel for the applicant would urge that a direction be issued on the concerned respondent authority to dispose of the representation (along with annexed calculation sheet) in a time bound manner, to which Ld. Counsel for the respondents does not object if such directions are issued for disposal of the same in accordance with law.

*hsh*

4. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would hereby direct the competent respondent authority to examine the contents of the representation dated 24.12.2019 [along with detailed calculation sheet annexed in support], within a period of 8 weeks from the date of receipt of a copy of this order. The said authority should decide in accordance with law, and, thereafter, convey his decision in the form of a reasoned and speaking order to the applicant. In case of a favourable decision, consequential benefits may be released, as per the applicant's entitlement, within 12 weeks thereafter.

5. With these directions, the O.A. is disposed of. There will be no orders on costs.



**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**(Bidisha Banerjee)**  
**Judicial Member**

SP