

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00976/2020

Date of order: 3.11.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Ujjal Kumar Datta,
 S/o Late N.R. Datta,
 Working as Senior LPS/Naihati
 Under CCC ®/DDJ bill unit 0203153
 Residing at 5/A, Milan Park,
 Kalianibash P.O. Nona Chandanpukur,
 Kolkata - 700122.

... Applicant

- V E R S U S -

1. Union of India
 Through the General Manager,
 Eastern Railway,
 17, N.S. Road,
 Kolkata - 700 001.
2. Divisional Railway Manager,
 Eastern Railway,
 Sealdah,
 Kolkata - 700 014.
3. Senior Divisional Personnel Officer,
 Eastern Railway,
 Sealdah,
 Kolkata - 700 014.
4. Chief Crew Controller (R)/
 Dum Dum Junction,
 Eastern Railway,
 Kolkata -59.

... Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

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ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) To issue further direction upon the respondent to treat PME (Periodic Medical Examination) spent as duty according to IRMM 2000, (Volume 1) forthwith and the consequential benefit granting allowances ALK (Allowances in Lieu of Kilometerage) at the rate 30% on basic pay.
- (b) To issue further direction upon the respondent to give kilometerage allowance according to RBE 85/2019 to the applicant forthwith which was paid less to the applicant.
- (c) To issue further direction upon the respondent to give the overdue road learning according to general and subsidiary rules 3.78 of the railway running staff entitled for road learning forthwith.
- (d) To issue further direction upon the respondent to give the allowance benefit to the applicant forthwith.
- (e) To cause cancel the order dated 24.6.2020 issue by Chief Crew Controller (Running)/DDJ forthwith."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. The factual synopsis, as submitted by Ld. Counsel for the applicant is that, the applicant is a Sr. LPS/Naihati, and, that, on 8.9.2019, he was scheduled to perform his shunting job at KNJ. That, there are two routes in KNJ over which shunting operations of empty rakes are executed. One is the usual route from RHA end in RHA-BDZ Section and another is from LGL end in KNJ-DHU Section, the latter being rarely used on operational exigency.

The applicant claims that, on 8.9.2019, he indeed performed his duty at KNJ. As he was to execute the shunting job for a EMU rake via LGL in KNJ-DHU Section ("NO LEARNING ROAD"), and, carried on the said shunting job within the knowledge of TLC/SDAH upon the assurance that he would be compensated in due course for the overdue road learning.

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The applicant, accordingly, claimed the overdue L/R as per Provisions of IRMM 2000 (Vol.I) and RBE 85/2019 on 15.9.2019, which was denied arbitrarily to him.

The applicant, however, could ascertain through RTI that the Sr. DEE(OP)/SDAH had duly recognized his entire claim and thereafter, represented on 18.3.2020 followed by further representations dated 19.6.2020 and 1.7.2020 respectively. Being aggrieved that no favorable response was received to his representations, the applicant has presently approached this Tribunal praying for the above noted relief.

4. It transpires from annexed documents, however, that the applicant has prayed for treatment of his PME as spent on duty as per provisions of Para 524 of IRMM 2000, Vol. I (Annexure 1 to the OA), and also for providing him road learning in part of KNJ-DHU section of KNJ towards LGL end (Annexure 8 to the O.A). Ld. Counsel for the applicant would hence submit that, he be permitted to withdraw this OA and be given liberty to prefer a comprehensive representation before the authorities to which Ld. Counsel for the respondents would not object.

5. Accordingly, the applicant is permitted to withdraw this O.A with liberty to prefer a comprehensive representation fortified by rules in support of his claim within 6 weeks of the date of receipt of a copy of this order. In the event such representation is received, the concerned

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authority shall decide on the same in accordance with law within a further period of 16 weeks and convey such decision in the form of a reasoned and speaking order to the applicant.

- With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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