

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/379/2020

Date of Order: 28.07.2020

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

Badal Bhattacharjee, S/o Late Bijoy Kumar Bhattacharjee, aged about 61 years, retired from service as Sr. Technician (Fitter) under the overall control of the General Manager, Chittaranjan Locomotive Works, Chittaranjan, at present residing at "UPASANA" Rupnagar (main road), P.O. Rupnarayanpur Bazar, District Paschim Bardhaman, W.B. Pin - 713386.



Applicant

-Vs-

1. Union of India through General Manager, Chittaranjan Locomotive Works, Chittaranjan, Dist. Burdwan,, Pin 713331.
2. Principal Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, Dist. Burdwan,, Pin 713331.
3. Principal Mechanical Engineer, Chittaranjan Locomotive Works, Chittaranjan, Dist. Burdwan,, Pin 713331.
4. Chief Mechanical Engineer (Manufacturing), Chittaranjan Locomotive Works, Chittaranjan, Dist. Burdwan,, Pin 713331.
5. Principal Financial Advisor, Chittaranjan Locomotive Works, Chittaranjan, Dist. Burdwan,, Pin 713331.
6. Senior Personnel Officer (A) Chittaranjan Locomotive Works, Chittaranjan, Dist. Burdwan,, Pin 713331.

--Respondents.

For The Applicant(s): Mr. C. Sinha, counsel

For The Respondent(s): Mr. K. Sarkar, counsel

ORDER (ORAL)

Per: Dr. Ms. Nandita Chatterjee, Member (A):

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

"a) To direct the respondents to cause them to act in accordance with E.O. No. 318 dated 03.04.2018, E.O No. 340 to 342 dated 09.04.2018 and to grant the applicant the seniority & proforma fixation benefit arising out of the said E.Os together with recasting of pension and other settlement dues with all consequential benefits.

b) Any other order or order(s) as the Hon'ble Tribunal deems fit and proper."

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



3. The facts of the case, as presented by Ld. Counsel for the applicant, assisted with supporting documents contained in the original application, are as follows:

On 14.09.1982, the applicant was appointed with the respondent authorities as a Khalasi in ERS (59) shop and, on 18.02.1987 he was appointed as a Skilled Mechanical Fitter against 25% Direct Recruitment Quota and was ordered to be posted in DLS-12 shop.

Vide the authority's communicated dated 02.03.1987, however, the applicant was retained at ERS (59) Shop, in which he was functioning as Khalasi, purportedly on grounds of administrative interest and, on 10.06.1987, the applicant was posted as TY Skilled Grade 3 at ERS (59).

On 17.01.1994, the applicant represented praying for benefits that arose out of the EO dated 18.02.1987, whereby he was appointed as Skilled Mechanical Fitter and ordered to be posted in DLS-12 Shop.

On 06.06.1995, the applicant was promoted to the post of Fitter Grade-2, and, on 20.12.2005, as Technician Grade-1.

The applicant, thereafter, preferred various representations during the period between 08.12.2014 to 21.08.2017, seeking implementation of the authority's letter dated 17.10.2014 (annexure A-4 to the O.A) whereby the

[Handwritten signature]

CME/Mfg had requested the Dy. CPO (w) to redress the grievance of the applicant.

That, on 03.04.2018 and 09.04.2018 respectively, orders were issued that stated as follows:-

" CLW/Chittaranjan

E.O. No. 318

Dated:3-04-2018

Xxxxxxxx



"..... his seniority position in the cadre of Skilled Gr. III Fitter of ELB group of shops is now assigned and fixed just above Sri U.K. Mondal, T/No.05/400, Present Design – Senior Tech. Fitter of ELB Group, and below Sri M. Biswas, T/No.12/350, Present Design-Senior Tech. Fitter of ELB Group. Sri Bhattacharjee is retained to work in ERS-59 shop on his existing capacity.

As a result of above changes, necessary order for proforma promotion to respective categories of post of Skilled Gr. II, Skilled Gr. I and Senior Technician post of Fitter of ELB Group of shops will be issued separately.

Senior Personnel Officer(A)"

A consequential order followed on 9.4.2018 (Annexure A-7 to the O.A.). On 20.08.2018, the applicant prayed for implementation of the office order dated 03.04.2018 and 09.04.2018.

The applicant superannuated on 30.09.2018 and submitted further representations during the period from 01.06.2019 to 20.08.2019 reiterating his prayer on grant of his original status and seniority position and consequent pay fixation thereon

On 25.11.2019, the respondent authorities issued a further communication to the applicant, which reads as follows:

ghe

"CLW/Chittaranjan

No. MW/Sett./Corres/PH/Part-IV

Dated 25.11.2019

Sri Badal Bhattacharjee
(Upasana)Rupnagar (main Road)
P.O. Rupnarayanpur Road
Dist: Paschim Bardhaman
Pin - 713386.
West Bengal

Register with A.D

Sub: Retirement benefit on actual basic pay
Ref: (i) Your Letter dated 06.06.2019.

Your grievance on the above subject matter has been communicated to this administration vide Executive Director Estt. Railway Board dated 30.10.2019 and received by this office on 07.11.2019.



Your grievance letter is examined and it is like to inform you that your grievance regarding promotion, anomalies in seniority as well as fixation of pay is completely the matter of establishment section. In this connection your earlier application dated 20.08.2019 and your interview with PCPO regarding the above subject matter have been intimated to concerned promotion cell/Dy. CPO (W)'s Office vide this Office letter No. MW/Sett./NWPA/BD, dated 30.09.2019.

Settlement benefit as sought by you on the basis of proforma promotion will be made on receipt of order from concerned establishment section/Promotion cell.

P.B. Mondal
Assistant Welfare Officer

Copy to

1. PCPO -for kind information please
2. APO (Admn.)- for your information and necessary action please.

P.B. Mondal
Assistant Welfare Officer"

The applicant preferred further representation on 09.01.2020 wherein he stated that despite the above mentined communication dated 25.11.2019 (Annexure A-11 to the O.A), his settlement benefits are yet to be finalized by the authorities.

The applicant is aggrieved that all his representations seeking benefits remain pending and would particularly urge that a direction be issued on the respondent authorities to dispose of his representation dated 09.01.2020 seeking implementation of orders dated 3.4.2018 and 9.4.2018 as well as

communication dated 25.11.2019 (Annexure A-12 to the O.A) in a time bound manner.

4. Ld. counsel for the respondents would argue that the appropriate authorities have decided otherwise but would admit that no formal communication was ever issued to the applicant disclosing contrary decisions of the authorities.

5. Accordingly, without entering into the merits of the matter, and, having noted that the respondents are yet to act on their previous orders dated 3.4.2018 and 9.4.2018 with respect to the applicant, we would hereby



direct the addressee authority or any other competent respondent authority to decide on the representation of the applicant dated 9.1.2020 (Annexure A-12 to the O.A.) in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order, and to issue necessary orders on the entitlements and final settlement benefits to the applicant concerned. Such decision should be conveyed in the form of a reasoned and speaking order.

Settlement benefits, as the applicant is entitled to, should be released to the applicant within a further period of 6 weeks thereafter.

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

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss