

**CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT RANCHI**

OA No./050/00431/2020

**Due to COVID-19 Pandemic, case has been heard & decided through Video
Conferencing**

Date of order 17.11.2020

CORAM

Hon'ble Shri Sunil Kumar Sinha, Member [A]

Pinku Kumar, aged about 35 years, Son of Late Arjun Prasad, Resident of C/o-B.N. Prasad, Bangali Tola, P.O. & P & S- Chakradharpur, District-Chakradharpur.

.....Applicant



By Advocate : Shri M.M. Sharma

Versus

1. The Union of India.
2. The Chairman, South Eastern Railway, Office at Dumayrie Are, SE Railway, North colony, Garden Rich, Kolkata, West Bengal 700043.
3. The General Manager, South Eastern Railway, Office at Dumayrie Are, SE Railway, North colony, Garden Rich, Kolkata, West Bengal 700043.
4. The Divisional Railway Manager, South Eastern Railway, Chakardharpur Division, P.O. and P.S. Chakardharpur, District West Singhbhum.
5. The Senior D.P.O. ETR/Bill/CKP, South Eastern Railway, Chakardharpur Division, P.O. and P.S. Chakardharpur, District West Singhbhum.
6. The Senior Division Electric Operating, South Eastern Railway, Chakardharpur Division, P.O. and P.S. Chakardharpur, District West Singhbhum.

.....Respondents

By Advocate: Shri Prabhat Kumar

O R D E R (ORAL)

S.K. Sinha, M [A]: Instant O.A. has been preferred by the applicant against the Order of SER dated 08.07.2020 (Annexure-4) reducing his pay from Rs. 43600/- to Rs. 38700/-.

2. Heard. The matter is at notice stage hearing. Counsel for applicant pressing the OA urged that Order of reduction of pay is in violation of instructions of the Railway Board and is illegal for other reasons as well. He added that the applicant as required under the impugned order has preferred representation, copy of which is annexed at Annexure-A/5 on the OA but no decision on his representation has been taken yet by

the respondents. He submits that notice maybe issued and matter may be decided on merit or in alternative OA may be disposed of with direction to the respondents to consider and take decision on his representation within a stipulated time frame at the earliest. He also urged that if direction for disposal of representation is being given, recovery may also be stayed till decision on the representation.

3. Learned counsel for respondents Sri Prabhat Kumar, who has appeared on behalf of respondents after receiving advance copy of OA submits that he is having no objection if OA is disposed of with direction to the respondents to consider and take decision on the representation of the applicant.

4. It is jointly submitted by both counsels that respondent no. 2 is not necessary party in this O.A therefore respondent no.2 may be construed as deleted from the array of respondents. They also submit that after deletion, the Union of India as Respondent no.1 may be represented through General Manager, SER, office at Dumaayrie Are, SE Railway, North Colony, Garden Rich Kolkata, West Bengal. Respondent no. 3,4,5 and 6 in the O.A may be renumbered as Respondent no.2,3,4 and 5 respectively. Applicant has filed a separate application for revising the list of respondents as submitted above. Both the counsels further submitted that Senior DPO, SER, Chakradharpur appearing as respondent no.4 (as revised) is the competent authority to take decision on the representation. The submission of the counsels for change in the array of respondents is approved.

5. Having taken note of entirety and submissions made at Bar Respondent no.4 is directed to consider and take decision on the representation of the applicant at the earliest preferably within ten weeks. It is further directed not to affect the recovery till a decision on representation of the applicant is taken.

6. OA as well as application for correction in cause title stand disposed of accordingly. Registry is directed to send copy of this Order to both counsels through e-mail.

(Sunil Kumar Sinha) M (A)
//Mks//



