

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/051/006/2021

Date of Order :07.01.2021

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



Sujit Kumar Majhi @ S.K. Majhi, aged about 41 years, son of Ram Chandra Majhi, resident of C/o Shri Niwas Singh, Near Mansa Mandir, Raju Bagan, Kitadihi, P.O.-Kitadihi, P.S.-Kitadihi, District-East Singhbhum, Pin 831002, Jharkhand.

..... Applicant.

- By Advocate : Shri M.M.Sharma.

-Versus-

1. The Union of India through the General Manager, South Eastern Railway, Office at Dumayrie Are, SE Railway, North Colony, Garden Rich, Kolkata, West Bengal 700043.
2. The General Manager, South Eastern Railway, Office at Dumayrie Are, SE Railway, North Colony, Garden Rich, Kolkata, West Bengal 700043.
3. The Divisional Railway Manager, South Eastern Railway, Chakardharpur Divison, P.O. and P.S. Chakardharpur, District West Singhbhum.
4. The Senior D.P.O. South Eastern Railway, Chakardharpur Divison, P.O. and P.S. Chakardharpur, District West Singhbhum.
5. The Divisional Personnel Officer, South Eastern Railway, Chakardharpur Divison, P.O. and P.S. Chakardharpur, District West Singhbhum.
6. The Senior Division Electric Operating, South Eastern Railway, Chakardharpur Divison, P.O. and P.S. Chakardharpur, District West Singhbhum.

..... Respondents.

By Advocate :- Shri Prabhat Kumar.

O R D E R [ORAL]

Per M.C.Verma, Member (Judl.):- Being aggrieved by Order dated 08.07.2020 whereby basic pay of the applicant has been reduced from Rs. 43600/- to Rs. 38700/- instant OA has been preferred.



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 applicant did prefer representation along with four other, 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 also urged that in identical matter bearing OA No. 372/2020, OA No. 430/2020, OA No. 431/2020, OA No. 432/2020 and OA No. 433/2020 impugned order dated 08.07.2020 was assailed and this Tribunal, after hearing the counsel for parties pleased to disposed of those OAs at notice stage hearing giving direction to the respondent to consider and take decision on the representation of applicant of those cases. He concluded submitting that applicant will be satisfied if same order is being passed in this OA and this OA may be disposed of with direction to the respondents to consider and take decision on representation of applicant within time frame as was directed in OA No. 372/20. He also urged that if

direction for disposal of representation is being given, recovery be also directed not to be affected 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 the instant OA and the OA referred to by learned counsel for applicant are identical and that he has having no objection if this OA is disposed of with same direction as was given in OA No. 372/2020. It is jointly informed by both counsels that respondent no.4 of instant OA is the competent authority to take decision on representation.

4. Considered the submissions. Pay of applicant of this OA and applicant of OA Nos. 372/2020, 430/2020, 431/2020, 432/2020 and 433/2020 was reduced by same impugned order dated 08.07.2020. Needless to say that Pay of 49 Loco Pilot LPG/DPS was re-affixed and was reduced from 43600 to 38700 vide said order dated 08.07.2020. From among those 49 Loco Pilot (Goods), previously some Loco Pilots affected by the order has agitated said order in OA No. 372/2020, 430/2020, 431/2020 & 433/2020. Said four OAs, including OA No. 372/2020 were disposed of on 21.10.2020 and the order passed in OA No. 372/2020 was followed in rest three OAs. The direction given in OA 372/2020 is in para 5 of the order passed on 21.10.2020 and it reads :- *“Having taken note of entirety and submissions made at Bar we direct respondent no.4 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 decision on representation filed by him is taken.

5. Taking note of entirety and the submissions made at Bar, the direction as was given in OA 372/2020, which has been quoted above shall be followed by respondents in this case also.
6. With aforesaid direction, the OA stands disposed. Registry is directed to send copy of this Order to both counsels through e-mail.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/

