

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00214/2020

Date of order: 25.1.2021

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

Shri Swapan Kumar Dawan,
Son of Narayan Chandra Dawan,
Aged about 45 years,
Working as Loco Pilot (Goods),
Under Senior CC/BWN,
Eastern Railway,
Howrah Division,
Residing at Hori Narayan Pur
(Near Sadharpur High School),
Post Office - Burdwan Baje Pratapur,
District Burdwan (West),
Pin - 713 191.

..... Applicant

- VERSUS -

1. Union of India,
Through the General Manager,
Eastern Railway,
Fairlie Place,
Strand Road,
Kolkata - 700 001.
2. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah Division,
Howrah.
3. The Divisional Personnel Officer,
Eastern Railway,
Howrah,
711001.
4. Palash Pal,
Loco Pilot,
Eastern Railway,
Burdwan (W),
711 001.

..... Respondents

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

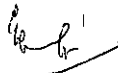
The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

“(a) An order do issue directing the respondents to step up the pay of the applicant at par with his junior since the applicant is drawing lower pay than his junior.”

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

3. The facts, in brief, is that the applicant, who is working as Loco Pilot (Goods), was appointed on 6.8.2001 as an Assistant Loco Pilot, promoted to the post of Senior Assistant Loco Pilot in 2012 and thereafter promoted to the post of Loco Pilot (Goods) in the Grade Pay of Rs. 4200/-. It came to the knowledge of the applicant that the private respondent No. 4, who was appointed as an Assistant Loco Pilot w.e.f. 11.12.2001, was earning more than him as his basic pay was fixed at Rs. 52,000/- whereas the applicant's pay as per Annexure A-1 to the O.A. is Rs. 50,500/-.

According to the applicant, his date of appointment was wrongly recorded as 1.1.2002, whereas his actual date of appointment was 6.8.2001. The applicant had accordingly represented on 12.11.2019 (Annexure A-2 to the O.A.) to the office of the respondent No. (ii) praying for stepping up of his pay with respect to his junior, private respondent No. 4. As the said representation remains unattended, Ld. Counsel for the applicant would urge for an early decision in the matter.



4. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the addressee respondent authority, namely, respondent No. (ii) or any other competent respondent authority, is directed to consider the contents of the representation at Annexure A-2 to the O.A., if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The said authority shall decide in accordance with law and extant rules, and, thereafter, convey his decision to the applicant in the form of a reasoned and speaking order.

In case the applicant's claim is found to be justified, consequent benefits be released to him within a period of 10 weeks thereafter.

6. With these directions, the O.A. is disposed of. There will be no order as to costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP