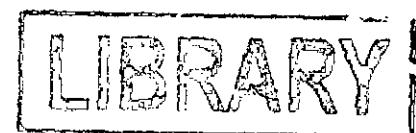


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A./350/240/2021 & Ors.

Date of Order: 04.03.2021



Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

1. In O.A. 350/240/2021: Sri Subhas Chandra Majumdar, Son of Late Bhola Nath Majumdar, aged about 75 years, worked as Ex Sr Passenger Driver under Sr. CC/HWH, Eastern Railway, Howrah, residing at Bhadra pally (Near) Ghosh Para, PO+Dist- Burdwan, WB, Pin-713101.
2. In O.A. 350/241/2021: Tarak Nath Bhattacharjee
3. In O.A. 350/242/2021: Tapas Kumar Majumdar
4. In O.A. 350/243/2021: Jagabondhu Das
5. In O.A. 350/244/2021: Moti Lal Dutta
6. In O.A. 350/245/2021: Debaprasad Mukherjee
7. In O.A. 350/247/2021: Md. Sanaullah Ansari
8. In O.A. 350/290/2021: Babul Kr. Chowdhury
9. In O.A. 350/291/2021: Ganga Dhari Chowdhury
10. In O.A. 350/301/2021: Chandra Sen Singh
11. In O.A. 350/302/2021: Arun Kumar Kundu
12. In O.A. 350/303/2021: Sita Nath Sannigradvi
13. In O.A. 350/314/2021: Ram Prabesh Singh
14. In O.A. 350/315/2021: Bhola Nath Thakur
15. In O.A. 350/316/2021: Anil Baran Sikdar
16. In O.A. 350/331/2021: Hafizul Alam
17. In O.A. 350/332/2021: Ashok Halder

..... Applicants.

Versus

1. The Union of India,
through the General Manager,
Eastern Railway, Fairlie Place,
Kol.- 700001.
2. Divisional Railway Manger,
Eastern Railway, Howrah, PO+PS-Howrah,
Dist- Howrah-711101.
3. Sr. Divisional Personnel Officer,
Eastern Railway, Howrah-711101.

..... Respondents.

For the applicant : Mr. A.Chakraborty & Mr. S.K.Datta, Counsel

For the respondents : Mr. B.P.Manna, Counsel (In Sl. Nos. 1 to 10)
Mr. P.Bajpayee, Counsel (In Sl. Nos. 11 to 17)

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. These matters are taken up by the Single Bench in view of the revised list dated 04.04.2000 issued under Sub-Section (6) of Section 5 of the Administrative Tribunal Act, 1985 and as no complicated question of law is involved. The matters are taken up for disposal with the consent of both the parties.

3. All the applicants in these O.As. share a common grievance and would seek identical relief, as such, all the matters were heard together to be disposed of with this common order. For the sake of brevity, facts of the O.A. No. 240/2021 are delineated hereunder.

4. The O.A. 240/2021 has been preferred to seek the following reliefs:

"i) An order do issue directing the Respondents particularly the Respondent No.2 to grant accident free service benefits in favour of the applicant (Ex-Driver) after his retirement in terms of Railway Board letter circulated under 86/safety-1/24/35 dated 06.07.98 and also to grant interest."

5. The limited grievance of the applicant is as under:

The applicant was working as Loco Pilot under Senior CC, HWH. He retired from service w.e.f. 30.04.2006.

That, the Railway Board issued a circular No. 86/Safety-1/24/35 dated 06.07.1998 which provides for award to the Railway Staff for accident free service. The said circular further provides that the quantum of award will vary depending on the total length of service in all the eligible categories combined. The quantum of award as also the minimum qualifying services as prescribed by the Railway Board is as under:

Category	Qualifying length of service for award	Amount in cash basic pay without any allowances
Driver/Motorman	Up to 7 years of service	20 days
SM/ASM/Pointman/Cabinman/Switchman	Up to 7 years of service	15 days
	Up to 15 years of service	30 days
	Up to 23 years of service	45 days
	About 23 years of service	60 days

The staff, who have been awarded punishment with major penalty either in an accident or in a case related to violation of Safety Rules and Safety Norms as well as in connection with any other case, will be debarred permanently. However, in case of minor penalty the percentage of award will be reduced as under:

Nature of Punishment-	Percentage award amount to be reduced
For one Minor Penalty	30 Percent
For two Minor Penalty	70 percent
For three or More Penalty	No award

That, Eastern Railway issued a circular for the 1st time on 27.04.2009 (Annexure-A/1) wherein Railway Board Circular dated 06.07.1998 was quoted. The said circular reiterated the contention of the Railway Board that Drivers/Motorman/SM/ASM/Switchman/Pointsman are eligible categories for consideration of accident free service award.

That, the Railway Board Circular was effective from 07.06.1998. Therefore all the drivers who retired from service after issuance of Railway Board Circular are entitled to get accident free service benefit.

That, one Subhas Chandra Majumdar, Ex-Driver, made an application under RTI Act seeking information regarding sanction of accident free benefit after retirement: A reply, received by him dated 24.07.2014, stated thus:

"1. As per order of DRM/HWH the accident free service award for the eligible safety categories staff has been introduced in this Division since Jan/2013.

2. As per order of DRM, the past cases (arrived prior to Jan/2013) would be dealt subsequently since relevant fund is not available for the purpose actual assessment for requisite fund is on going as and when the Healthy fund is available all the past cases (arrived from 01.01.99 to 31.12.2012) will be considered for granting this award."

As the applicant retired from Railway service on 30.04.2006 as a Driver, in terms of Railway Board Circular No. 86/safety-1/24/35 dated 06.07.1998 he was entitled to be awarded such accident free service award depending upon his length of service. Since he was not awarded as such, he approached the authorities vide a common representation dated 13.11.2017.

Ld. Counsel for the applicant would submit that since the representation failed to elicit a response, applicant once again preferred representation on 18.01.2021 (Annexure-A/3 to the O.A.) before Divisional Railway Manager, Eastern Railway (Respondent No. 2), which is still pending for consideration. Aggrieved, this O.A. has been filed.

6. At hearing, Ld. Counsel for the applicant would make an innocuous prayer that the grievance of the applicant might be redressed if respondent No.2 is directed to consider the representation of the applicant as per rules within a specific time frame.

7. There being no serious objection from the Ld. Counsels for the respondents to such consideration of representation and as no final order is under challenge, without entering into the merits of the matter, I would dispose of all the O.As. at the admission stage itself with direction to Respondent No.2 to consider the representation of the applicants, if still pending at their end, and issue a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order.

8. It is made clear that in the event after such consideration the applicants are found entitled to the award claimed by them, the same shall be allowed within a further period of four weeks therefrom.

9. All the O.As. are accordingly disposed of. No costs.

(Bidisha Banerjee)
Member (J)

RK