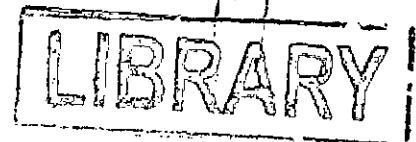


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00251/2020

Date of order: 30.3.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri R.N. Sarkar,
Son of late Anil Kumar Sarkar,
aged about 72 years,
Retd. Section Engineer,
Drawing Section under Deputy Chief
Engineer Construction-II,
Eastern Railway, Sealdah,
Residing at 61, Raimohan Banerjee Road,
Kolkata,
Pin : 700108.

..... Applicant.

Versus

1. Union of India,
through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
2. The Principal Chief Personnel Officer,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
3. The Chief Administrative Officer (Construction),
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
4. The Dy. Chief Engineer (Con)/II,
Eastern Railway,
RMS Building, Sealdah,
Pin - 700014.

..... Respondents.

A handwritten signature in black ink, appearing to read "nandita".

For the Applicant : Mr. S.K. Datta, Counsel
 For the Respondents : Mr. N.D. Bandyopadhyay, Counsel

O R D E R (Oral)

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 directing the respondents to refix the pay of the applicant as on 26.05.1995 granting one more increment than that of Sri P.K. Sarkar after taking into account the date of initial appointment of the applicant as PWI Grade III as on 17th July, 1975.
- b) An order directing the respondents to grant the benefits of refixed pay of the applicant w.e.f. 26.05.1995 on actual basis and further directing the respondents to grant all consequential monetary benefits, accordingly.
- c) An order directing the respondents to refix the pensionary benefits of the applicant and to grant him all consequential monetary benefits.
- d) An order directing the respondents to produce/cause production of all relevant records.
- e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

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

3. Ld. Counsel for the applicant would submit that the applicant is a retired Railway employee who had superannuated on 30.11.2007. Having been denied promotion at par with his erstwhile junior, the applicant has approached this Tribunal in O.A. No. 350/1721/2015. This Tribunal disposed of the matter with the following directions:-

- "4. Since the grievance seems to be redressed already and nothing remains to be adjudicated in the matter, we dispose of the O.A. as infructuous.
- 5. In case, if the applicant is further aggrieved, he shall be at liberty to prefer the representation."

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4. The applicant was, thereafter, granted promotion as Section Engineer treating one Shri P.K. Das, Section Engineer/P. Way/Howrah Division as his junior. As the applicant, however, was on lien in the Sealdah Division and his erstwhile immediate junior in Sealdah Division, one P.K. Sarkar was promoted as PWI/Section Engineer in 1995 and as Sr. Section Engineer in 2003 respectively, the applicant had preferred representations towards redressal of his grievances in terms of the liberty granted by this Tribunal.

5. As such representations, at Annexure A-23 and 24 of the O.A. remain pending at the level of the respondent authorities, Ld. Counsel for the applicant would urge an early disposal of the same.

6. Reportedly, the respondents are yet to decide on the representations of the applicant; hence, no useful purpose would be served in calling for a reply in the matter.

7. Accordingly, without entering into the merits of the matter, the addressee respondent authority or any other competent respondent authority is directed to dispose of the representations of the applicant, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

The authority should convey his decision in the form of a reasoned and speaking order to the applicant, and, in case of a favourable decision, resultant benefits may be released within a further period of 10 weeks thereafter.

8. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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