

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/00445/2020
M.A. 350/00246/2020

Date of order: 20.11.2020

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

1. Swapan Kumar Biswas,
Son of Late Santosh Biswas,
Aged about 45 years
Working for gain as
Chief Loco Inspector (Elect.)
Under the overall control of
Divisional Railway Manager,
Eastern Railway, Asansol
At present residing at
Banipark Apartment – Block B, Lower
Chelidanga, Asansol,
Paschim Bardhman,
Pin 713304.
2. Om Prakash,
S/o Late Shyamlal,
Aged about 47 years,
Working for gain as
Chief Loco Inspector (Elect.) under the
overall control of
Divisional Railway Manager,
Eastern Railway,
Asansol at present
Residing at Railway Qtr. No. 205/E, Loco
Colony, Station Road, Near Nazrul
Manch, Asansol, Paschim Bardhman,
Pin 713301.
3. Tarun Sarkar,
S/o Priyolal Sarkar,
Aged about 45 years,
Working for gain as
Chief Loco Inspector (Elect.)
under the overall control of
Divisional Railway Manager,
Eastern Railway, Asansol

[Signature]

At present residing at
N-37, Natun Pally, P.O. Purba Putiari,
P.S Regent Park,
Kolkata - 700093.

---Applicants

-versus-

1. Union of India through the
General Manager,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
2. Divisional Railway Manager,
Eastern Railway,
Asansol,
Pin 713301.
3. Sr. Divisional Personnel Officer,
Eastern Railway,
Asansol, Pin 713301.
4. Sr. Divisional Electrical Engineer
(OPN) Eastern Railway,
Asansol,
Pin 713301.

--Respondents

5. M.K. Chatterjee,
Chief Loco Inspector,
Eastern Railway,
Asansol,
Service through the
Sr. Divisional Electrical Engineer
(OPN), Eastern Railway,
Asansol,
Pin 713301.

---P Respondent

For the Applicants : Mr. C. Sinha, Counsel

For the Respondents : Ms. C. Mukherjee, Counsel

[Signature]

O R D E R (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) Liberty may be granted under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987 to file and maintain the Original Application jointly.
- b) To direct the respondents to step up the pay of the applicant at par with that of the P. Respondent w.e.f. 11.11.2016 i.e the date of promotion of the P. respondent to the post of Chief Loco Inspector with all consequential benefits alongwith arrears.
- c) To direct the respondents to grant benefit of judgements as highlighted at Para 4.7 and its sub-paragraphs and step up the pay of the applicants at par with the P. respondents with all consequential benefits.
- d) any other order or orders as the Hon'ble Tribunal deems fit and proper."

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

3. An M.A. bearing No. 350/00246/2020 has been filed by the applicants praying for liberty to jointly prosecute O.A. No. 350/00445/2020.

Being satisfied that the applicants share a common interest and common cause of action, such liberty is granted under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 subject to payment of individual court fees.

The M.A. is disposed of accordingly.

4. Ld. Counsel for the applicants would submit that the applicants claim that their pay be stepped up at par with their junior private respondent w.e.f. 11.11.2016, namely, from the date of promotion of the private respondent to the post of Chief Loco Inspector. The applicants would rely on the settled position as per judicial pronouncements as contained in Para 4.6 of the O.A. and have, particularly, represented at

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Annexure A-3 seeking benefits, inter alia, of the decision of this Tribunal in
O.A. No. 350/00136/2018 (Shri Paramhans Varma v. UOI & ors.).

Ld. Counsel for the applicant would, hence, urge that, given the pendency of such representation preferred on 9.6.2020, the respondents may be directed to dispose of the same in a time bound manner, and, particularly, in the light of the decision in **Shri Paramhans Varma v. UOI & ors. (supra)**.

5. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law, and, accordingly, without entering into the merits of the matter, I would hereby direct the addressee respondent authority to examine the contents of such representation at Annexure A-3 to the O.A., if received at his end, within 16 weeks from the date of receipt of a copy of this order.

The said authority shall decide in accordance with law, and, particularly, in the light of the various judicial pronouncements as enlisted in such representation, and, thereafter convey his decision in the form of a reasoned and speaking order to the applicants.

In case of any favourable decision, the entitlements of the applicants, as due, may be released within a further period of 10 weeks thereafter.

6. With these directions, the O.A. is disposed of.

7. M.A. is disposed of accordingly as per Para 3 of this O.A., subject to payment of individual court fees.

(Dr. Nandita Chatterjee)
Administrative Member

SP