



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

Date of Order: 26.08.2021

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

1. O.A/350/758/2021 ---SUDIP KUMAR KUNDU
MA/350/273/2021
with
2. O.A/350/759/2021 ---- BISWANATH KANSHABANIK
MA/350/274/2021
3. O.A/350/762/2021 --- NILOTPAL SETH
MA/350/275/2021
4. O.A/350/763/2021 --- AMALENDU GHOSH
MA/350/276/2021
5. O.A/350/764/2021 --- ARUP CHAKRABORTY
MA/350/277/2021



... Applicants

-Versus -

1. Union of India service through the General Manager, Eastern Railway, Fairlie Place, Kolkata - 700001. The Chief Personnel Officer, Eastern 2.
2. Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata - 700001.
3. The Chief Signal Telecommunication Engineer, Microware Maintenance, Eastern Railway, 12th Floor, NKG Building, Kolkata - 700001.
4. Sr. Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah- 711101.
5. Sr. Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah 700014.
6. Shri Bhaskar Kundu son of Niranjana Kundu posted as Sr. Technician, S&T Dept., Sealdah Division, Eastern Railway, Kolkata - 700014, DOA 30.08.1985.
7. Shri Swarup Kumar Mukherjee son of Prabhakar Mukherjee, posted at Bandel Jn.(OFC), under SSE/TELE/CNL/HWH as Technician Gr. I, Eastern Railway, at Bandel - 712123 (since appointed on 27.01.1987).

8. Sri Samiran Sinha son of Sambhu Charan Sinha, posted at Bandal Jn.(OFC), working under SSE/TELE/CNL/HWH as Technician Gr. I, Eastern Railway, at Bandel - 712123, DOA 05.10.1987.

--Respondents

For The Applicant(s): MR. J. R. DAS, COUNSEL

For The Respondent(s): MR. D. BASAK, COUNSEL

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. Counsel for both sides at length.



2. Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice and with consent of all the sides, to be disposed of by this common order.

3. For the sake of brevity, facts and reliefs of OA. No. 758/2021 is being delineated and discussed hereunder:

This application has been preferred to seek the following reliefs:

"i) An order directing the respondents to make a detail review of the career of the applicant in comparison to the private respondent No. 6, 7 & 8 and allow such seniority/up-gradation in conformity to said respondents since being junior to the applicant herein at the initial stage of entry and corrects the same ab-initio.

ii) An order directing the respondent authority to correct/amend the initial posting/appointment of the applicant herein through an appointment to Class III Technician in place & stead of initial appointment to Class IV in the interest of justice.

iii) An order directing the respondent authority to review/correct all the promotion orders allowed to the applicant herein strictly not below his juniors but at par of the same accordingly.

iv) An order directing the respondents to pay back all the arrears of pay and allowance as would be due to the applicant following 6th CPC since regular gradation/regularization on immediate basis.

v) An order directing the respondent to cause the applicant to be paid with all the difference of pay and allowances in comparison to and at par with respondent No. 6, 7 & 8 with immediate basis and further directing them to grant all consequential benefits to the applicant in a time bound manner.

vi) An order directing the respondents to dispose of the representations made by the applicant from time to time in accordance with law.

vii) An order directing the respondents to produce entire records of the case before the Hon'ble Bench with copy to the Ld. Advocate of the applicant for conscionable justice.

viii) Any other order/orders or further order/orders as to this Hon'ble Tribunal may seem fit and proper"

4. Ld. Counsel for the applicants submits that the applicants are aggrieved as their prayers/representations from time to time seeking consideration for next higher grade pay as per MACP Rules on par with their counterparts has not been considered by the respondent authorities. Being aggrieved they have approached this Tribunal seeking directions upon the authorities to consider their representations.



5. Ld. Counsel for the respondents raised objection in regard to limitation and submits that the applicant/s are not entitled to seniority corrected from backdate.

Ld. Counsel also submits that the applicant in O.A 764/2021 namely, Arup Chakraborty has retired in February 2018.

6. At hearing, ld. Counsel for the applicants would submit that as a comprehensive representation has not been preferred earlier, he may be granted liberty to prefer comprehensive representation to the competent authorities seeking redressal of their grievances and a direction upon the respondents to consider and dispose of the same in a time bound manner.

7. Ld. counsel for the respondents does not have any objection if such liberty is granted.


8. Accordingly, the O.A is disposed of with liberty to the applicants to file comprehensive representation to the competent respondent authority, seeking redressal of their grievances, within a period of 2 weeks from the


date of receipt of a copy of this order. In the event such representation is preferred, the competent respondent authority shall consider the same in accordance with law and pass appropriate orders within a period of 2 months from the date of such representation. In the event the applicants deserve the reliefs as prayed for, the same shall be accorded within that period.

9. It is made clear that we have not entered into the merit of the matter and therefore all the points to be raised in the representation shall be open for consideration.

10. The above O.As accordingly stands disposed of. No costs.




(Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)