

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/355/2014

Date of Order: 04.02.2021

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

Ashok Kumar Bhunia, son of Late Shrihari Bhunia, aged about 32 years, working as Khalasi Gr. II under SSE/SRC residing at Vill & P.O Haripur, Dist. Purba Midnapur, pin no. 721631.

--Applicant

-vs-

1. Union of India through the General Manager, South Eastern Railway, Garden Reach, Kolkata 700043.
2. The Divisional Railway Manager (P), South Eastern Railway, Kharagpur, P.O. Kharagpur, Dist. Paschim Midnapur 721301.
3. The Assistant Personnel Officer, South Eastern Railway, Kharagpur, P.O. Kharagpur, Dist. Paschim Midnapur 721301.
4. The Sr. Divisional Electrical Engineer, South Eastern Railway, Kharagpur, P.O. Kharagpur, Dist. Paschim Midnapur 721301.

--Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel

For The Respondent(s): Mr. D. Chowdhury, counsel

ORDER (O R A L)

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

Heard ld. counsel for both sides.

2. The applicant has sought for the following reliefs:

"(i) The office order memo vide No. EEANR/TL/Gr.-D/71/2012 dated 18.04.2012 cannot be tenable in the eye of law and as such same may be quashed.

(ii) An order do issue directing the respondents to grant the GP of Rs. 1800/- in the scale of Rs. 5,200-20,200/- without taking into account the Office Order dated 18.02.2014 issued by the Assistant Personnel Officer, Santragachi and to grant arrears."

3. Since the grievance of the applicant was that some of the Substitute Group D employees have been allowed a Grade Pay of Rs. 1800/- even without possessing educational qualification of matriculation, as contained in Annexure A-5 to the O.A, vide order dated 12.12.2011, while the applicant is



7
denied as a non matriculate, respondents were directed to take instructions about the discrimination meted out to the applicant vis-a-vis such substitutes, particularly, Radha Rani Das who figures at Serial No. 1 of Annexure A-5.

Upon instructions, ld. counsel for the respondents would place a Circular dated 09.12.2011, RBE No. 166/2011, conveying decision of the Ministry of Railway, that, in exceptional circumstances, whenever grant of appointment is considered to any of those persons in certain categories not in possession of prescribed educational qualification for the post, such person will be recruited or engaged as Trainees on regular Pay band and grade pay only on acquiring minimum qualification prescribed under the recruitment rules and the minimum educational qualification as prescribed in the rules is at least matriculation.



5. Ld. counsel for the respondents would also submit that since the said Smt. Radha Rani Das, whose name is mentioned in the said order dated 12.12.2011, was inducted prior to issuance of Board's Circular No. RBE 166/2011, she was conferred with the Grade Pay of Rs. 1800/-, whereas in regard to the applicant, his date of appointment fell after issuance of the Circular supra, hence, he could not be accorded the grade pay equivalent to the grade pay of Smt. Radha Rani Das in the scale of 5,200-20,200/-.

6. In view of the above submission, we find no reason to take a contrary view. Accordingly, the O.A is dismissed. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)