

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/01139/2021

Date of Order: 17.08.2021

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

Bhaglu Shaw, son of Late Naresh Shaw, as a

retired employee designated as Sr. Peon in

Commercial Department, under the Sr. D. C.

M., South – Eastern Railway, residing at

Village : Mirpur Gopal Nagar, Jhapatapur,

P.O. Kharagpur P.S. Kharagpur (T), Dist

Paschim Medinipore, Pin – 721301.

.....Applicant

-Versus-

1. The Union of India, Service through the
Principal Secretary, Ministry of Railway,
Government of India, Rail Bhawan, New
Delhi;

2. The General Manager, S.E. Railway,
Gardenreach Kolkata – 700043.

3. Chief Personnel Officer, S.E. Rly. GRC, S.E.
Railway, Gardenreach, Kolkata – 700043.

4. Divisional Railway Manager, S.E. Railway,
Kharagpur P.O & P.S. Kharagpur, Dist
Paschim Medinipur, Pin – 721301.

.....Respondents

hah

Rly. GRC, S.E.

For The Applicant(s): Mr. T. K. Biswas, Counsel

For The Respondent(s): Ms. S. Choudhury, Standing Counsel

ORDER (ORAL)

Per: Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Aggrieved at the inaction of the authorities in re-fixing his scale of pay in accordance with 5th CPC, 6th CPC and 7th CPC recommendations till his date of superannuation, the applicant has approached this Tribunal praying for the following relief:

"The respondents be directed to re-fixation of his Scale of Pay at per with the 5th C.P.C, 6th C.P.C. and 7th C.P.C since from 1990 till the date of pre-mature superannuation of your applicant i.e. 31/05/2020) while in service, with all incidental and consequential benefits upon re-fixation of monthly pension at revised rate with arrears as aforesaid at par with that of other regular / permanent employees of the Railway under similarly situated like Badal Das & Ors. as aforesaid and to pay and/or extend to the applicant all arrear Service Gratuity, Leave Salary, GIS, Railway Health Scheme, Commutation Value of Pension (after re-fixation of pension) with other emoluments and/or benefits of two sets of Complimentary Pass with immediate effect."

B) Costs;

C) Any other or further order or orders to which the applicant may be found entitled by this Learned Tribunal."

2. Heard Ld. Counsel for the applicant. Ms. S. Chowdhury, Ld. Standing Counsel, appears on behalf of the respondents.

Ld. Counsel for the applicant would submit that he would be filing his affidavit of service in course of the day and is directed to furnish a copy of the original application to the Ld. Standing Counsel for the respondents.

h.s.b. *dated* *2021* *July* *2021*

3. Heard both Ld. Counsel. Examined documents on record. This matter has been taken up for disposal at the admission stage.

4. Ld. Counsel for the applicant would submit that, from time to time, incumbents were engaged as Commission Vendors/Commission Bearers with the South Eastern Railway. The Hon'ble Apex Court, in Writ Petition (Civil) No. 196 of 1995 (South Eastern Railway Congress & Ors. Vs. Chairman Railway Board & Ors.), had granted parity of pay scale and service to Commission Vendors/Bearers at par with regular employees of the Railways.

The applicant was, accordingly, absorbed in regular service in different departments in Kharagpur Division in 2002/2003. The applicant preferred several representations for parity of pay scale and other service benefits vis-à-vis other regular employees of the Railways and finally superannuated as 'Sr. Peon' in the Commercial Department, under the office of Sri DCM, South Eastern Railway, on 31.05.2020.

As his demand for justice, at Annexure A-10 to the O.A. dated 12.04.2021, regarding re-fixation of pension and other retirement benefits including service gratuity, commuted value of pension, GIS, leave encashment as well as complimentary passes (claimed in view of the decisions of the Hon'ble Apex Court and RBE 165 of 2005), remains unattended, his Ld. Counsel would pray for an early decision on the pending representation.

5. The pendency of the representation is not disputed. Hence, without entering into the merits of the matter, the addressee

respondent authorities or any other competent respondent authority shall decide on the said representation (at Annexure A-10 to the O.A.), in accordance with law, within a period of seventeen (17) weeks from the receipt of a copy of this order, and, convey their decision to the applicant in the form of a reasoned and speaking order.

6. With these directions, the O.A. is disposed of. No Costs.

(Nandita Chatterjee)
Member (A)

UJ

