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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH
AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

O.A. No. 1061 of 2019

SRI PARTHA PRATIM CHOWDHURY,
Son of Sri Haribhusan Chowdhury,
Retired Person, Ex. Senior Sect-
ion Engineer, Carriage & Wagon/
Chitpur as Sr. DME/C&W/SDAH/E.Rly.,
and residing at:- 3/16, Mahajati
Nagar, P.O.: Birati, P.S. Dum Dum Airport,
District: North 24-Parganas, Kolkata. ^{Post}
700051.

..... Applicant.

- Versus -

1. UNION OF INDIA through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata - 700001.
2. THE DIVISIONAL RAILWAY MANAGER, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700 014.
3. THE SR. DIVISIONAL PERSONNEL OFFICER, Eastern Railway, Sealdah Division, Sealdah, Kolkata-700 014.

4. THE SENIOR DIVISIONAL MECHANICAL ENGINEER, Eastern Railway, Sealdah Division, Sealdah, Kolkata-700 014.

5. THE SENIOR DIVISIONAL FINANCE MANAGER, Eastern Railway, Sealdah, Division, Sealdah, Kolkata-700 014.

..... Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No. Q.A.350/1061/2019

Date of order : 12.01.2021

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member**

PARTHA PRATIM CHOWDHURY
VS.
UNION OF INDIA & OTHERS
(Eastern Railway)

For the applicant : Mr. N. Roy, counsel

For the respondents : Mr. A. Ganguly, counsel

ORDER

Bidisha Banerjee, Judicial Member.

By way of this application the applicant has sought for the following reliefs:-

- "a) To issue direction upon the respondent authorities to consider the representation for MACP benefit G.P.5400/- w.e.f. 02.10.12, according to CPO Letter, dtd.07.07.2015;
- b) To issue further direction upon the respondent authorities to give MACP benefit, G.P.Rs.5400/- according to CPO letter, dtd. 07.07.2015;
- c) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case;
- d) To produce connected departmental record at the time of hearing."

2. At hearing it transpired that the respondents have already admitted the applicant's claim and issued an order dated 19.08.2015 (Annexure A/9) whereby and whereunder the competent authority's approval was communicated to grant the applicant placement in the Grade Pay of Rs.5400/- w.e.f. 12.02.2013 as his third MACP. The order is extracted hereunder for clarity:-

Eastern RailwayCORRIDENDUMO.O. No. 827/08/2015(C&W)

In partial modification of this office order of even No. dt 17.08.15 it is to be endorsed
In favour of name belonging to Sl. No.5 as below:

Name, Design./Slad	B.U. No.	Date of regular apptt.	Present pay & GP: Rs.4800/-	Placement of GP 3 rd MACP
Sri Partha Pratim Chaudhury, SSE/C&W/CP	453	12.02.83	Rs.27230/- w.e.f. 01.07.13	Rs.5400/- w.e.f. 12.02.13

This has the order of the competent authority.

(G. Bandopadhyay)
APO(M&E)/SDAH
Sr. Div. Personnel Officer
Eastern Railway, Sealdah

3. Ld. counsel for the applicant would submit that since the respondents were ready in the year 2015 itself, the reason why the benefit has not been accorded to the applicant is not forthcoming. Ld. counsel would submit that the applicant has preferred a representation on 08.04.2019 to the Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division asking for the benefit of the said order which is yet to be disposed of and that he would be fairly satisfied if a direction is issued to the Senior Divisional Personnel Officer to consider the said representation and pass appropriate order granting benefit to the applicant in terms of the order dated 19.08.2015 as extracted supra.

4. Ld. counsel for the respondents would submit that the prayer of the applicant be directed to be considered.

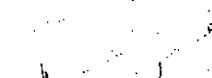
5. In view of such, we feel it appropriate in the interest of justice to direct the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah



Division to consider the representation of the applicant in the light of the order dated 19.08.2015 and release the benefits in accordance with law within 3 months from the date of receipt of a copy of this order.

6. The O.A. is accordingly disposed of. No order as to costs.


(Tarun Shridhar)
Administrative Member


(Bidisha Banerjee)
Judicial Member

sb

