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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

No. O.A. 350/1302/2020 Date of order: 24.12.2020

Present: HON'BLE SMT. MANJULA DAS, MEMBER (J)

Jogeswar Bhadra, son of late Mahadeb Bhadra, as a retired employee designated as Fitter-1 at Mechanical Department under Sr. DME, Nimpura, Kharagpur, South Eastern Railway, residing at Sanjol, Sipai Danga, South Inda, P.O. Kharagpur, P.S. Kharagpur, District- Paschim Medinipur, Pin- 721 301.


...Applicant



Versus

1. The Union of India, service through the Principal Secretary, Ministry of Railway, Government of India, Rail Bhawan, New Delhi-110001.
2. The General Manager, S.E. Railway, Garden Reach, Kolkata- 700 043.
3. Chief Personnel Officer, S.E. Rly, GRC, S.E. Railway, Garden Reach, Kolkata- 700 043.
4. Divisional Railway Manager, S.E. Railway, Kharagpur, P.O. & P.S. Kharagpur, District- Paschim Medinipur, Pin- 721 301.

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Respondents

For the Applicant : Sri T.K. Biswas
 For the Respondents : Sri Amol Kumar Dutta

ORDER (ORAL)**MANJULA DAS, MEMBER (J):-**

Being aggrieved with the action of the respondent authorities, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

"8(a) The respondents be directed to re-fixation of his scale of pay at par with the 5th CPC, 6th CPC and 7th CPC since from 1990 till the date of superannuation of your applicant (i.e. 30.11.2019) 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,

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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. Sri T.K. Biswas, learned counsel for the applicant and Amol Kumar Dutta, learned counsel for the respondents are present in the court.



3. This matter relates to refusing to treat the applicant at par with the regular/permanent employees of the Railways by not extending the full and final retirement benefits upon re-fixing their pay scale in proper manner and procedure as specifically mentioned under 5th Central Pay Commission, 6th Central Pay Commission, 7th Central Pay Commission since from 01.04.1990 till the date of superannuation

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of the applicant. On query as to whether the applicant did make any representation before the appropriate authority before approaching this Tribunal, Sri T.K. Biswas, learned counsel appearing for the applicant fairly submitted that applicant did make his representation on 13.10.2020 before the respondent Nos. 2 & 4 by ventilating his grievances which has not yet been attended to by them i.e. respondent Nos. 2 & 4. According to the learned counsel, applicant is waiting for decision from the appropriate authority but for compelling circumstances, as the applicant is not getting any pensionary benefits, he has approached this Tribunal for redressal.

4. Keeping in view of the above, I deem it fit and proper to direct the respondent No. 2 & 4 to deal with

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the matter as soon as possible so as to enable the applicant to get his claims. Accordingly, without going into the merit of the case and without expressing any opinion, I direct the respondent Nos. 2 & 4 to consider the case/grievance of the applicant made in her representation dated 13.10.2020, which is pending with them and dispose of it by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.



5. It is made clear that whatever decision so arrived by the respondent Nos. 2 & 4 shall be communicated to the applicant forthwith.

6. I hope and trust that the respondent Nos. 2 & 4 shall consider the case of the applicant expeditiously by considering his grievances.

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7. With the above directions, O.A. stands disposed of.

8. There shall be no order as to costs.

(MANJULA DAS)
MEMBER (J)



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