

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/01318/2020

Date of order : 20.1.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Chinmoy Homeroy,
S/o. C. Homeroy,
Working as Passenger Driver of
Eastern Railway and
Residing at 15/1, Central Road East Anandapuri,
P.O. Nonachandanpukur,
Kolkata - 700 122.

.... Applicant

- VERSUS -

1. Union of India,
Through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
2. Divisional Railway Manager,
Eastern Railway,
Sealdah Division,
Kolkata - 700 014.
3. Senior Divisional Personnel Officer,
Eastern Railway,
Sealdah Division,
Kolkata - 700 014.
4. Senior Divisional Electrical Engineer (Operation),
Eastern Railway,
Sealdah Division,
Kolkata - 700 014.
5. Senior Divisional Finance Manager,
Eastern Railway,

Web

Sealdah Division,
Kolkata - 700 014.

.... Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved at not having received officiating allowance, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- “(a) To issue direction upon the respondents to consider the representation dated 20.12.2019 for financial benefit according to IREMPARA -913 forthwith.
- (b) To issue further direction upon the respondents to give financial benefit grant of officiating allowances to running staff in terms of Para-913 of IREM Volume-I forthwith.
- (c) To issue further direction upon the respondents to give financial benefit along with 12% interest of delayed payment to the applicant forthwith.
- (d) Any other order or further order or orders as the Ld. Tribunal deem fit and proper under the circumstances of the case.
- (e) To produce connected departmental record at the time of hearing.”

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant is posted as Loco Pilot Goods (Electric), Sealdah and had functioned as Loco Pilot Passenger between 2014 to 2017.

As per extant rules, running staff officiating in running posts are allowed officiating allowance when they are so officiating for more than 30 days. Although, the applicant has been working in posts with higher responsibility, he has not been considered for grant of officiating allowance.

The applicant is emboldened by the fact that the respondent authorities have issued a speaking order at Annexure A-8 to the O.A. in compliance to this

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Tribunal's direction in O.A. No. 697 of 2016 in the case of one, **Subrata Ranjan**

Das in which they have ordered as follows:-

" The fact remains that the applicant has claimed that though he was a Loco Pilot Goods Drivers but he has worked for the period from April, 2013 to 2014 under Sr. DEE (OP)/Sealdah as Loco Pilot Passenger Grade - II in Lalgola Linked Diagram for passenger, Mail and Express and he was not paid for that period as LPP Gr. II. In this regard he has mentioned CPO/E. Rly's letter No. E.85/0/3/Pt. VIII dt. 4.5.11 in support of his claim.

In view of the above, as per Para 913 i) a/IREM Vol. I he is entitled to pay as admissible in the lower grade in which he officiate enhanced by 15% of the kilo meter-age actually performed for every such higher grade.

The payment will be made in due course."

Claiming the same benefit, the applicant has along with others represented to the respondent authorities vide his representation at Annexure A-9 to the O.A., and, Ld. Counsel for the applicant would submit that directions be issued to the respondent authorities to dispose of the said representation in a time bound manner.

4. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the concerned respondent authority to examine the claim in accordance with law and issue a reasoned and speaking order with reference to the applicant in this O.A., if such representation is received at his end, within a period of 16 weeks from the date of receipt of a copy of this order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP