

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/1419/2020

Date of order: 25.01.2021

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

Surojit Mitra, s/o Debendra Nath Mitra, working as Tech I (Mechanical) Eastern Railway under Senior Section Engineer (IC/TRS/EMAU/NKJ) residing At 203, Santoshpur Lake, East 7 Raw, P.O. Santoshpur, P.S. Survey Park, Kolkata- 700075.

.....Applicant.

-versus-

1. Union of India through the General Manager, Eastern Railway, 17 N.S. Road, Kolkata- 700001.
2. Divisional Railway Manager, Eastern Railway, Sealdah, Kolkata- 700014.
3. Senior Divisional Personnel Officer, Eastern Railway, Sealdah, Kolkata- 700014.
4. Senior DEE/TRS/Sealdah Eastern Railway, Sealdah, Kolkata- 700014.

.....Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. T. K. Chatterjee, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Id. Counsel for both sides at length.

2. The applicant has been filed this OA to seek the following reliefs:

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"8(a) To issue further direction upon the respondent authorities to consider the representation dated 03.08.2020 for giving increment to the applicant forthwith.

- (b) To issue further direction upon the respondent authority to cause cancel set-aside the order dated 06.08.2020 forthwith.
- (c) Any other order or further order or orders has learned Tribunal deem fit and proper.
- (d) To produce connected Departmental Record at the time of hearing."

3. The brief facts of the case as narrated by the ld. Counsel for applicant are that on 14.03.2016 a charge sheet was issued against the applicant. The inquiry was held and, on the basis of inquiry report dated 12.07.2016, the applicant was imposed with a punishment of withholding of increment for 3 years with non-cumulative effect. The punishment was over by June, 2020. However, vide letter dated 06.10.2020, applicant has been informed that over payment to the tune of Rs. 1,08,249/- has been made to the applicant and the same shall be recovered @ Rs. 10,000/- per month.

The applicant, thereafter, preferred a representation dated 18.11.2020 before Sr. DPO, Eastern Railway (Respondent no.3), praying for recovery to be made @ Rs. 1500/- per month instead of Rs. 10,000/- per month as the applicant has a long years' of service. Ld. Counsel for the applicant submits that recovery of Rs. 10,000/- per month from the salary of the applicant is too harsh and would adversely affect the sustenance of his family.

4. Since the applicant has preferred a representation on 18.11.2020, which is stated to be pending, at this stage, without going into the merits of the matter, we dispose of this O.A. directing the concerned Respondent No. 3 or any other competent authority to consider the pending representation on a



sympathetic manner and pass appropriate orders within a period of 1 month from the date of receipt of a copy of this order.

5. The present OA accordingly stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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