

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 807 of 1996

Date of Order : 10.02.2004.

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member
Hon'ble Mr. N.D. Dayal, Administrative Member
SUDARSAN MONDAL AND ANR.

VS.

UNION OF INDIA AND ORS.

For the Applicant : Mr. A. Chakraborty, counsel

For the respondent : Mr. S. Chowdhury, counsel

O R D E R

MR. NITYANANDA PRUSTY, JM:

The applicants who were earlier working as Inspector of Works Grade-II under Sr. D.E.N (Co-ordination), S.E. railway, Kharagpur, have filed the present application for the following reliefs:

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- a) Declaration that the applicants are entitled to get the benefit of stepping up of pay at par their junior Shri A.K.Ganguly(respondent no.05)
- b) An order do issue directing the respondents to step up the pay of the applicants at par their junior Shri A.K.Ganguly(respondent no.05) with arrears.
- c) Leave may be granted to add the other applicants in the original application under urle 4(5)(a) of the CAT procedure rule."

2. The applicants earlier made representation before the competent authority for stepping up of their pay and even-though the Divisional Railway Manager(P) recommended the case of the applicant for stepping up of their pay vide letter dated 22.08.1995 (Annexure-D/1), the same was not properly considered and rejected by the Sr. Divl. Personnel Officer by communication dated 29.01.1996(Annexure-E). In that view of the matter, the applicants have approached this Tribunal challenging the above said communication dated 29.01.1996 in this O.A.

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3. Official respondents have filed their reply denying all the allegations made by the applicants in this O.A.
4. When the matter was taken up for hearing, ld. counsel for the applicant brought to our notice the corrigendum issued by the Chief Personnel Officer dated 28.7.73. The same may be kept in the file as a part of the record. Ld. counsel for the applicant submits that when the matter relating to stepping up of pay was considered by the administration, this corrigendum dated 28.7.73 was not taken into consideration and he further submits that if this corrigendum would have been taken into consideration, then the order ought to have ~~been~~ gone in favour of the applicant. Ld. counsel submits that for the present applicants do not want to press this application, but liberty may be given to the applicants for filing a detailed representation before Sr. Divl. Personnel Officer, S.E. Railway, Kharagpur highlighting all their grievances, enclosing copies of all the relevant documents/corrigendum and judgments in this regard on which the applicants are basing their claims and this O.A. can be disposed of by directing the sr. Divl. Personnel Officer to rec-consider the matter on the basis of the above representation of the applicant which is to be filed by them, taking into consideration all therelevant circulars/orders, corrigendum and judgments etc., filed along with the representation with regard to their claim and dispose of the same by passing a reasoned and speaking order within a stipulated period.
5. Mr. Chowdhury, ld. counsel for the official respondents has no serious objection to the above submissions made by ld. counsel for the applicant and the ld. counsel submits that this O.A. may be disposed of accordingly, but without any observation regarding the merits of the case.
6. Considering the above submissions made by ld. counsel for both the parties, the O.A. is dismissed as withdrawn. There shall be no order as to costs.



7. However, the applicants are at liberty to file a detailed representation highlighting all their grievances, enclosing copy of the orders, circulars, corrigendum and judgment ect., in support of their claim, before the Sr. Divl. Personnel Officer, S.E. Rly., Kharagpur, within a period of one month from the date of communication of this order and in case such a representation is filed by the applicants, the Sr. Divl. Personnel Officer/respondent no.03 is directed to reconsider the matter relating to stepping up of pay of the applicant afresh taking into consideration the documents relied upon and filed by the applicants along with their representation and dispose of the same by passing a reasoned and speaking order within a period of 02 months from the date of receipt of such representation.

8. It is made clear that we have not observed anything on the merits of the case. However, in case the decision goes in favour of the applicants, then all the consequential benefits including the financial benefits be extended in favour of the applicants within a period of two months from the date of passing of such order.


MEMBER(A)


MEMBER(J)

ASVS.