

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A. No.1183 of 1996

Present: Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G. S. Maingi, Administrative Member

R. N. Chatterjee, S/o late Surendra Nath Chatterjee at present residing at 192/1, S.N. Roy Road, Calcutta-38 and retired as an employee (E.C.R.C. Gr.I) Reservation Office at Calcutta.

.... Applicant

VS

1. Union of India (through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Calcutta-700 001

2. The Chief Personnel Officer, Eastern Railway, 17, Netaji Subhas Road, Calcutta-700 001

3. Chief Commercial Manager, Eastern Railway, 3, Kailaghata Street, Calcutta-700 001

... Respondents

For the Applicant(s): Mr. A. K. Bhattacharjee, counsel

For the Respondents : Mrs. U. Bhattacharyya, counsel

Heard on 07.04.2000 : : Date of order: 07.04.2000

O R D E R

D. Purkayastha, JM

The question involved in this case is whether the applicant is entitled to get arrears of pay as well as pension consequent upon refixation of pay and pension ~~done~~ extension of proforma fixation of pay from 6.12.66 issued vide order No.E.740/0/Resv/Com/Line dated 21.2.1995 due to denial of opportunity of timely promotion as Enquiry-Cum-Reservation Clerk in Gr. Rs.150-240/-(AS). According to the applicant, had there been due refixation done by the respondents in due time he would have earned the benefit of promotion with effect from 6.12.1966.

Since there is a delay in fixation of his pay on the basis of the panel prepared for promotion to the post of Enquiry-cum-Reservation Clerk in the scale of Rs.150-240/-, therefore, he is entitled to get benefit of arrears of pay as

well as pension. It is stated by the applicant that he made representation to the authorities, but the respondents did not act on the representation. Ultimately, he approached the Pension Adalat seeking appropriate relief as sought for in the application. But the Pension Adalat rejected his claim vide letter dated 12.12.95, Annexure 'A/24' to the application. Thereafter the applicant made representation to the Chief Personnel Officer, Eastern Railway, Calcutta on 12.1.1996 disclosing his grievances therein, but the respondents did not dispose of the representation dated 12.1.96 till date. Therefore, he has approached this Tribunal seeking the reliefs as mentioned above.

2. The respondents filed written reply denying the claim of the applicant. It is stated by the respondents in their reply that the applicant was empaneled for promotion to the post of Enquiry-cum-Reservation Clerk with effect from 5.12.1966 along with others, but some employees challenged the order of panel before the High Court and that case has been disposed of in the year of 1976. Thereafter the respondents decided to give the benefit of promotion to the employees whose names were found in the panel for promotion to the post of Enquiry-cum-Reservation Clerk with effect from 6.12.66 and considering this fact the respondents the order on 21.2.1995, Annexure 'A' to the application. In the said order name of the applicant is found at Sl.No.5. According to the respondents, the applicant is not entitled to get any arrear of pay and backwages in view of the said order since the applicant has retired in 1986. But the learned advocate of the applicant submits that the applicant since retired with effect from 28.2.1986 as per order dated 21.2.1995, Annexure 'A' to the application his pay was fixed by the authority indicating that pay as drawn and pay should be drawn. From the said submission it is found that the applicant on 1.1.86 had drawn pay at Rs.1900/- in the scale of

Rs.1600-2660/-, but actually he would have drawn on the basis of the said promotion Rs.2050/- in the scale of Rs.1600-2660/-.

3. The grievance of the applicant is that he was neither paid backwages nor his pension has been fixed taking his pay as Rs. 2050/- on 1.1.1986. So, the respondents are bound to refix his pension on 1.1.1986 on the basis of the pay shown to have been drawn by the applicant on 1.1.1986. We do not find any specific findings in this regard from the written reply filed by the respondents. We find that the applicant made representation to the authorities on 12.1.1996 in respect of refixation of his pension, but that representation in respect of refixation has not been disposed of by the respondents.

4. In view of the aforesaid circumstances we are of the view that the applicant cannot be denied the benefit of refixation of pension and/or pay with effect from 1.1.1986 and he should have been granted the pension treating his pay as Rs.2050/- with effect from 1.1.1986, but that has been denied to him. Therefore, we direct the respondents to dispose of the representation of the applicant by granting the benefit within a period of three months from the date of communication of this order. The applicant would not be entitled to get any arrears of pay as claimed in the application. With this observation the application is disposed of awarding no costs.

G. S. Maingi
(G. S. Maingi)

MEMBER (A)

D. Purkayastha
(D. Purkayastha)

MEMBER (J)