

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.1488/1996

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

JAGDISH SARKAR

VS.

UNION OF INDIA AND ORS.

For the applicant : Mr. T.D. Roy, counsel

For the respondents : Ms. K. Banerjee, counsel

Heard on : 22.7.99

Order on : 22.7.99

O R D E R

Heard ld. counsel for both sides.

2. It appears from the records that the respondents did not file any reply to the O.A. though the case is admitted on 12.8.98 with the direction upon the respondents to file reply within 4 weeks. Ms. K. Banerjee appearing for the respondents submits that she has not received the brief of this case till ^{is} date since it/a transferred matter and she has been ^{newly} engaged. ~~by~~ the respondents.

3. The grievance of the applicant is that he retired from service on 1.3.96 as a Booking Supervisor, Grade-I, under Eastern Railway and during his service period he was promoted to the post of Commercial Supervisor Gr.I, Azimganj, Eastern Railway in the pay scale of Rs.2,000/-3,200/-(RP) which was fixed to Rs.2,060/-, w.e.f. 19.7.93 but he had not been given the benefits of the said post to which he is entitled as per rules. According to the applicant, he made several representation to the authorities stating his grievances therein but the respondents did not take any action till the date of his ^{and till today.} retirement. So, the applicant filed this application before this Tribunal for getting appropriate relief. In this O.A. the applicant also claimed for payment of his DCRG money of Rs.7,500/- and security deposit of Rs.300/- ~~taken~~ by the res

at the time of his appointment, alongwith the arrears of pay and allowances for the period from 19.7.93 to the date of his retirement, with interest, to which he is entitled (on promotion) in accordance with the rules. He made representation to the authorities vide his letters dated 24.8.96 (Annexure B-I) and dated 14.8.96 (Annexure B-2 to the app.) stating the aforesaid claims.

4. I have considered the submissions of the ld. counsels for both sides and have perused the records. Since no reply has been filed till date, question of facts as stated in the application cannot be said to be ^{done} controverted ^{by the respondents}. But for the interest of justice, I think it would be fit and proper to direct the respondents to dispose of the representation of the applicant with a speaking ^{and reasoned} order.

5. In view of the abovementioned circumstances, the respondent No.2, the Divisional Railway Manager, Eastern Railway, Howrah is directed to dispose of the representation of the applicant dated 24.8.96 (Annexure B-I to the application), treating this application as a part of the same, with a speaking and reasoned order, within one month from the date of communication of this order and that order should be communicated to the applicant within 15 days from the date of taking decision. If the decision of the respondents goes in favour of the applicant, the applicant shall be paid all his outstanding dues, as claimed in this application within 2 months from the date of taking decision. ^{and} The applicant shall also be entitled to get interest on the amount as per extant rules, if the decision goes in his favour. Liberty is given to the applicant to file application afresh if he is aggrieved by the decision of the authorities. With these observations, the O.A. is disposed of awarding no costs.

S.M.

22/7/99
(D. PURKAYASTHA)
MEMBER(J)