

In The Central Administrative Tribunal  
Calcutta Bench

OA 415 of 1996

Present : Hon'ble Mr. B.P. Singh, Administrative Member  
Hon'ble Mr. Kuldip Singh, Judicial Member

Nirmal Kanti Das, s/o late Hem Chandra  
Das, ex. A/cs Asstt. FA & CAO(S)'s Office  
S.E.Rly., residing at 416, Pandit Motilal  
Colony, Dum Dum, Calcutta-81.

..... Applicant

- Versus -

- 1) Union of India, service through General Manager, S.E.Rly., Garden Reach, Cal-43.
- 2) General Manager, S.E.Rly., GRC, Cal-43.
- 3) F.A. & C.A.O., S.E.Rly., GRC, Cal-43.
- 4) F.A. & C.A.O., S.E.Rly., GRC, Cal-43.  
(Construction)

..... Respondents

For the Applicant : Mr. B.C. Sinha, Counsel

For the Respondents: Mr. B.K. Gupta, Counsel

Heard on : 05-02-2002

Date of Order : 05-02-02

ORDER

KULDIP SINGH, JM

The applicant has filed this O.A. wherein he has challenged the order dated 19.2.94 issued by the FA & CAO(Admn.)/ GRC vide which the applicant has been denied grant of special pay w.e.f. 1-1-1984 and consequent the benefit of pay fixation. The applicant also impugned the letter dated 4-5-95 regarding fixation of pay including special pay of Rs.35/-.

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Contd....

2. The applicant claims that he was appointed in the Accounts Department of N.F. Railway and subsequently he was transferred to S.E. Railway. He was promoted by ranks to the post of Accounts Assistant from which he retired on 31-12-1988. After issuance of the order dated 28-3-85 the applicant was granted special pay of Rs.35/- w.e.f. 1-3-1984 whereas his juniors, namely, Sh. N.R. Ghosal and Sh. B.C. Dutta had been granted special pay w.e.f. 1-1-1984. According to the applicant, he made representation before the authority; but he had been denied the benefit on the ground that as the applicant was promoted as SI (higher grade) he cannot compare himself with Shri Ghosal as he belongs to different cadre. As far as applicant's comparison with Shri Dutta is concerned the applicant could not be given the said benefit as his promotion was dealt within the N.F. Railway Cadre.

3. We have heard ld. counsel of both the parties and perused the materials on record. We find that the pleadings taken by the applicant is contradictory as the respondents themselves pointed out that Shri N.K. Das and Shri Ghosal were given promotion w.e.f. 1.1.84 by a subsequent order that additional posts of SH were available due to restructuring of clerical cadre of Accounts Department w.e.f. 24-10-85. Thus, we find from the pleadings of the respondents themselves that all these three persons are similarly circumstanced and the applicant has right to compare himself with Shri Dutta. Accordingly, we allow the O.A. and direct the respondents to give the said benefit to the applicant also w.e.f. 1-1-84 within a period of three months from the date of communication of this order with consequential benefit. With this observation application is disposed of.

  
( Kuldip Singh )  
Member (J)

  
( B.P. Singh )  
Member (A)