

In The Central Administrative Tribunal
Calcutta Bench

OA No. 815 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

1. Tarak Nath Saha, son of Late Iswardas Saha,
Retired Booking Supervisor, E.Rly., Howrah
residing at 8, Lala Babu Lane, Chitpur, Cal.

2. Nrisingha Kumar Samanta, son of Late Satya
Kinkar Samanta, Retired Booking Supervisor,
E. Rly., Howrah, residing at 6C/B, Raja Bepi
Mohan Road, P.O.Uttarpara, Dist: Hooghly.

.... Applicants

- Versus -

1. Union of India, through General Manager,
Eastern Railway, Failey Place, Calcutta.
2. General Manager, Eastern Railway, Failey
Place, Calcutta.
3. Divisional Railway Manager, Eastern Railway,
Howrah.

.... Respondents

For the Applicants : Mr. S.N. Mitra, Advocate
Mr. B.P. Roy, Advocate
Mr. P.K. Ghosh, Advocate

For the Respondents : Mr. P.K. Arora, Advocate.

Heard on : 14-06-2000

Date of Order : 29.6.2000

ORDER

G.S. MAINGI, AM

In this application, filed under Section 19 of the Administrative Tribunals Act, 1985, Shri Tarak Nath Saha and Shri Nrisingha Kumar Samanta have claimed the following reliefs :-

- a) An order directing the respondents to fix pay of each of the applicants at Rs.2050/- on 1-12-1990 with all consequential benefits and to pay to each of the applicants arrears as due and payable from 1-12-90 onwards together with an interest @ 15% per annum thereon till the date of actual payment.

Contd.....

- b) To direct the respondents to grant preferma promotion to each of the applicants to the post of Booking Supervisor in the scale of pay of Rs.2000-3200/- w.e.f. 3.3.1990 with all consequential benefits including payment of arrears as due and payable with interest @ 15% thereon from 3.3.1990 till the date the amount is actually paid.
- c) Any other relief as Hon'ble Tribunal may deem fit to grant.
- d) Costs.

2. Both the applicants have retired as Booking Supervisors of Eastern Railway, Howrah and they retired from service on 31-10-1991 and 31-12-1991 respectively on attaining the age of superannuation. They have mentioned about the service list in their respective orders vis-a-vis with other Booking Supervisors in Eastern Railway. It is their contention that they were getting lower pay than the other Booking Supervisors who are junior to them which is against the Railway Rules as the pay of senior employee in the same cadre cannot be fixed at a lower stage in a scale than that which a junior employee is enjoying. Railway rules provide that the pay of senior employee shall have to be protected by stepping up of pay with reference to that of junior.

3. The case was listed for hearing on 14-6-2000 when the applicants through their above-mentioned Lt. Advocates and the respondents through their Lt. Advocate Mr. P.K. Arora contested their respective contentions before the Tribunal. While the application has been filed by Shri Tarak Nath Saha and Shri Nrisingha Kumar Samanta, the reply of the respondents referring the name of Sh. A.N. Saha and Shri N.K. Samanta is not clear. In some annexures enclosed to the reply the name of the applicant No.1 has been shown as T.N. Saha. It appears that there may be typographical error in the reply relating to Shri T.N. Saha and N.K. Samanta.

4. During the course of the hearing the Lt. Advocate for the applicants stated that they wanted to submit some judgement on the issue of fixation of pay etc. Although hearing took place on

14-6-2000, no case law has been submitted by the Ld. Advocates for the applicants. It would be unnecessary to continue to wait for the case law to be submitted by the Ld. Advocates for the applicants.

5. We find from the application that both the applicants had submitted their representation on 1-4-1991 and 17-12-1996 which have been placed at Annexures-B & C respectively. But the same were not disposed of by the Divisional Railway Manager who is one of the respondents in this application. As no decision appears to have been taken by the Divisional Railway Manager on the representations of both the applicants, we consider it absolutely fit and proper to direct the Divisional Railway Manager, Eastern Railway, Howrah to dispose of the representations of the applicants and to pass reasoned and speaking order on the representations within a period of three months as it is a matter of fixation of pay. The present application may also be treated as a part of their representations. They should pass the appropriate order within a period of three months from the date of communication of this order and pay the interest on the arrear amount payable to the applicants at the rate of 12% per annum. Accordingly, we dispose of the application awarding no costs.

G.S. Maingi
24.6.2000
(G.S. Maingi)
Member(A)

D. Purkayastha
24.6.2000
(D. Purkayastha)
Member(J)

DKN