

In the Central Administrative Tribunal
Calcutta Bench

OA 520/1997

9-3-2004

Present : Hon'ble Mr.S. Biswas, Member(A)
Hon'ble Mr.N. Prusty, Member(J)

S.M. Acharya and another

-Vs-

E. Rly

For the applicants : Mr.B.P. Saha, Counsel

For the respondents : Mr.P.K. Arora, Counsel
Mr.R.M. Roy Choudhury, Counsel


ORDER

Mr.N. Prusty, Member(J)

Heard Mr.Saha, the learned counsel for the applicants and Mr.P.K. Arora and Mr.R.M. Roy Choudhury, learned counsel for the official respondents. Initially both the applicants were working under Eastern Rly, but the applicant No.1 presently working in Metro Rly on deputation. Both the applicants are working as IOW Gr.I, have filed this present application for the following reliefs :

To issue direection on the respondents to sanction and pay to both the applicants of the OA the benefit of 4 advance increments which were due to them under the relevant rules of the Rlys, prior to the issue of the new incentive scheme in Rly Board Circular No.E(NG)1-93/IC2/5 dated 2-1-96 with effect from the date such four increments fall due to them with all consequential arrears.

2. When this matter was taken up for hearing, Mr.Saha, the learned counsel for the applicants submits that that he wants to withdraw the case with liberty to the applicants to file detailed representations enclosing all the supporting documents, such as Orders of Rly Board, office orders and circulars and the decisions of different Courts in support of their claims. The applicoants shall be fully sastified at this stage if the respondent authorities, i.e. the General Manager of the Railway, under whom the applicants were working is directed to consider their representations and dispose of the same by passing reasoned and speaking order within the stipulated period.



3. Mr.Arora and Mr.Roy Choudhury, learned counsel have no objection to above submission made by the learned counsel for the applicants. However, the learned counsel for the official respondents submit that the applicant may be permitted to withdraw the OA with liberty to submit detailed representations, along with a direction to the concerned authorities to consider the same but there should not be any observation on merits of the case.

4. Considering the above submissions made by learned counsel for both the parties, the OA is dismissed as withdrawn. No order as to costs.

5. However, the applicants are at liberty to file detailed representations before the concerned authorities of Eastern Rly and Metro Rly, highlighting all the grievances, enclosing the copies of the documents/orders/judgements/Rly Board Circulars etc. within a period of 4 weeks from the date of communication of this order and in case such representation(s) is/are filed by the applicant(s), the respondent authorities are directed to consider the said representation(s) and dispose of the same by passing reasoned and speaking orders within a period of 2 months from the date of receipt of such representation(s) and communicate the order to the applicant within 2 weeks thereafter.



Member(J)



Member(A)