

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

Title of the Case:

O.A. No.350/00592 of 2017

AMIN HEMBROM, son of Late Barka
Hembram, aged about 59 years,
working as Accountant Assistant in
the Office of the Senior Divisional
Finance Manager, Eastern Railway,
Malda, P.O. Jhaljhalia, District Malda,
Pin-732102, residing at Village
Jambad, P.O. & P.S. Kotalpukur, Pin-
816105, District Sahibganj, District
Jharkhand.

... APPLICANT

-Versus-

1. UNION OF INDIA through the
General Manager, Eastern Railway,
17, N.S. Road, Fairlie Place, Kolkata-
700001.

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A. in Hembrom

2. **SENIOR DIVISIONAL FINANCE
MANAGER**, Eastern Railway, Malda
Division, P.O. Jhaljhalia, District
Malda, Pin-732102.

3. **FINANCIAL ADVISOR & CHIEF
ACCOUNTS OFFICER**, Eastern
Railway, Kolkata, 17, N.S. Road,
Fairlie Place, Kolkata-700001.

4. **ASSISTANT DIVISIONAL
FINANCE MANAGER**, Eastern
Railway, Malda Division, P.O.
Jhaljhalia, District Malda, Pin-
732102.

5. **SENIOR DIVISIONAL MEDICAL
OFFICER/IC/OPD/MLDT**, Medical
Department, Eastern Railway, Malda
Division, P.O. Jhaljhalia, District
Malda, Pin-732102.

6. **MEDICAL DIRECTOR**,
Department of Cardiology & Cardio
Thoracic Surgery, B.R. Singh Hospital

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& Centre for Medical Education &
Research, Sealdah, Kolkata-700014.

RESPONDENTS

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No. O.A. 350/00592/2017

Date of order: 24.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. A.K. Banerjee, Counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member

Heard Mr. B. Chatterjee, Ld. Counsel appearing for the applicant and Mr. A.K. Banerjee, Ld. Counsel appearing for the respondents.

2. This OA has been filed by Shri Amin Hembrom, son of Late Barka Hembram, working as Accountant Assistant in the Office of the Senior Divisional Finance Manager, Eastern Railway, Malda under Section 19 of the Administrative Tribunals Act 1985 challenging acts or omission on the part of the respondents in not considering his Appeal with regard to his monthly salary during his allotted and authorized period of sick leave by the respondent authorities and also acts or omission on the part of the respondents in withholding the due salary payable to him for diligent and regular service under them. This O.A. has been filed praying for the following reliefs:

"a) An order directing the respondent authority to release his legitimate and statutory monthly salary and/or dues against his continuous service under the respondent authority during the period of 08.1.2016 to 08.06.2016 along with all consequential benefits thereto.

b) An order directing the respondent authority to consider the representations of the applicant dated 09.6.2016 and 16.8.2016 addressed to the respondent authority for payment of his bonafide legitimate dues against his service under the respondent authority.

c) An order directing the respondents, their agents, subordinates and successors to produce/cause production of all relevant records in connection with this instant Original Application.

d) Costs.



e) Any other order or further order or orders as to this Hon'ble Tribunal may seem fit and proper."

3. The facts in a nut shell are that the applicant was suffering from certain ailments and was forced to undergo medical treatment under the supervision of the respondent Nos. 5 and 6 for a period of 153 days from 8.1.2016 to 8.6.2016. He was on sanctioned leave for the said period. He resumed his service before the respondent authority when he was given the Duty Certificate/Fit Certificate and thereafter he applied for retirement under the Voluntary Retirement Scheme which was sanctioned by the respondent authorities w.e.f. 25.7.2016. The respondent authorities while granting his retirement under Voluntary Retirement Scheme withheld his salary for the aforesaid period of 153 days, which leave was sanctioned in his favour for undergoing medical treatment.

4. The Ld. Counsel for the applicant submitted that the applicant has already preferred a representation on 16.08.2016 (Annexure "A-7") to the respondent No. 2 i.e. the Sr. Divisional Finance Manager, Eastern Railway, Malda Division, which is still pending consideration.

5. Mr. B. Chatterjee, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 16.08.2016 within a specific time frame.

6. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 2, that if any such representation have been preferred on 16.08.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of one months



from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of two months from the date of such consideration to grant him the leave salary, if at all admissible to him.

7. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent Nos. 2 by speed post for which Mr. B. Chatterjee undertakes to deposit necessary cost in the Registry within a week.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnalk)
Judicial Member

SP