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OA 861/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

Kharagpur

PARTICULARS OF THE APPLICANT:

Bikash Roy, son of late Ruhi Das Roy, aged about 58 years, working as Station Peon/How/SMR/S. E. Rly., residing at 81/1-C, Raja Dinandra Street, Kolkata

7.11.06.

..... APPLICANT

V E R S U S -

i) Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043.

ii) The Divisional Railway Manager^(P), South Eastern Railway, Kharagpur
(P), P.O - Kharagpur - 721301.

..... RESPONDENTS

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/861/2017

Date of order : 29.8.2017

Present : Hon'ble Mr.A.K.Patnaik, Judicial Member File A.T. Act,

For the applicant : Mr.A.Chakraborty, counsel S.E. Railway,
Ms. P.Mondal, counsel Kharagpur

For the respondents : Mr.B.L.Gangopadhyay, counsel S.E. Railway,
GPI w.e.f. 19.8.2016
Rs.2000/-

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Mr.A.Chakraborty, Id. Counsel along with Ms.P.Mondal, Id. Counsel appearing for the applicant and Mr. B.L.Gangopadhyay, Id. Counsel appearing for the respondents.

2. This OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 seeking the following relief :

- a) Office order dated 19.8.2016 issued by DRM, S.E. Railway, Kharagpur cannot be sustained in the eye of law and the same may be quashed;
- b) An order do issue direct to the respondents to grant appointment in the pay band of Rs.5200-20,200/- + 1900/- (GP) w.e.f. 19.8.2016 and also to grant MACP in the Grade Pay of Rs.2000/- w.e.f. 5.7.2014 and also to grant consequential benefits.

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant was medically de-categorized for the post he was holding and placed in the alternative category. He was placed in initial grade and his pay order reduced. The applicant made a representation before the Screening Committee stating inter alia that he will accept the post without prejudice. RBE provides that if Railway servant is medically de-categorized he should be shifted to some other post with some pay scale and service benefits. The applicant was granted 2nd MACP in the Grade Pay of Rs.1900/- instead of Rs.2000/-. The applicant made a representation to respondent No.2 on 29.5.2017 praying for revoking the order of posting and also prayed for his



...ation has
posting in the Grade Pay of Rs.1900/- but till date the same is pending before
...on and
the authorities.

Hence this application.

4. Mr.Chakraborty fairly submitted that the grievance of the applicant will be more or less addressed if a direction is issued to the respondent No.2 to
...tter and
consider the representation preferred by the applicant on 29.5.2017 (Annexure
... said
A/5 to the OA) and pass appropriate orders within a specific time frame.

5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of at the admission stage by directing the respondent No.2
... and those
to consider the representation dated 29.5.2017, if any such representation has been preferred by the applicant and the same is still pending consideration and
... the said
dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within 3 months from the date of receipt of this order.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force, still then I hereby direct that after such consideration if the applicants' grievance is found to be genuine then expeditious steps may be taken within a
... WEEK. A
further period of 2 months from the date of such consideration to extend those benefits to the applicant.

7. However, I also made it clear that if in the meantime the said representation has already been considered and disposed of, the result be communicated to the applicant within a period of 4 weeks from the date of receipt of this order.

8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

9 As prayed for by Mr.Chakraborty, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week. A



free copy of this order be handed over to Mr.B.L.Gangopadhyay, Id. Counsel for the respondents.

(A.K.PATNAIK)
MEMBER (J)

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