

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

Original Application No.350/1007 of 2017

Shri Tarsem Singh, son of Mahenga Singh, aged about 53 years, working as Tech - I, Ticket No. 346 under Assistant Electrical Engineer, Eastern Railway, Howrah Division, Howrah, residing at 112B, Bamungachi Railway Colony, Howrah - 711106.

Applicant

- Versus -

1. Union of India, service through The General Manager, Eastern Railway, 17, N.S. Road, Kolkata-700001.
2. The Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah - 711101.
3. The Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah - 711101.
4. The Senior Divisional Electrical Engineer(G), Eastern Railway, Howrah Division, Howrah - 711101.
5. The Assistant Personnel Officer II, Eastern Railway, Howrah Division, Howrah - 711101.

.... Respondents

WD

No. O.A. 350/01007/2017

Date of order: 9.1.2018

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

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

**O R D E R (Oral)****A.K. Patnaik, Judicial Member:**

Heard Mr. P.C. Das along with Ms. T. Maity, Ld. Counsel for the applicant and Mr. B.K. Roy, Ld. Counsel for the official respondents.

2. Mr. B.K. Roy, Ld. Counsel for the official respondents files reply statement which is taken on record.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

"(a) Direction upon the Respondents to pay and release and grant actual amount of difference of O.T., difference of NDA and difference of NHA with interest @ 12% p.a. to be calculated on the basis of Basic Pay as shown in Office Order No. E/4/Elect/3/arrangement/ACC & ACP dated 30<sup>th</sup> July, 2014 for as drawn particulars as per order of the Hon'ble Tribunal dated 8.12.2016, in the pay scale of Rs. 5200-20200/- with interest @12% p.a. with effect from the date of accrual till the date of actual payment.

(b) Any order and/or further order or orders as the Hon'ble Tribunal may deem fit and proper."

4. As prayed for by Mr. P.C. Das, Ld. Counsel for the applicant, this application is filed seeking quashing of penalty order passed by the Sr. Divisional Electrical Engineer (G), Howrah vide Memo No. EL/HWH/197/29/926 dated 16.9.2008 and appellate authority order dated 28.11.2008 vide O.A. No. 472 of 2011. The applicant is aggrieved by the action of the respondent authorities for non-releasing/non paying of the actual amount of difference of overtime, difference of night duty allowance and difference of National Holiday allowance on enhanced rate in the pay scale of Rs. 5200-20200/- with interest @ 12% p.a. with effect from the date

of accrual till the date of actual payment. He preferred a representation, which is still pending consideration.

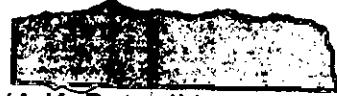
5. Mr. P.C. Das, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 12.4.2017 within a specific time frame.

6. Though no notice has been issued still then I think it appropriate to dispose of this O.A. by directing the respondent No. 2, that if any such representation have been preferred on 12.4.2017 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 three 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 three months from the date of such consideration to extend those benefits to the applicant.

7. I make it clear that I 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 No. 2 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

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



(A.K. Patnaik)

Judicial Member