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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/01187/2015

Date of order: 14.2.2017

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

Panchudhar Behera,
Son of Late Kapil Behera,
Aged about 57 years,
Residing at Kharidalaldanga,
P.O. – Kharagpur,
Dist. – Paschim Midnapur,
Pin – 721301

.. Applicant

- VERSUS -

1. The Union of India service
Through the General Manager,
South Eastern Railway,
Garden Reach,
Kolkata – 700 043.
2. The Divisional Personnel Officer,
South Eastern Railway,
Kharagpur,
District – Paschim Midnapur -721 301.
3. The Senior Divisional Commercial Manager,
South Eastern Railway,
Kharagpur,
District – Paschim Midnapur – 721301.

.. Respondents

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. C.S. Bag, Counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

This O.A. has been filed under Section 19 of the Administrative
Tribunal Act, 1985 challenging the Office Order No.
ESB/2/5/DOS/FCCA/PDB dated 1.6.2015 issued by the Divisional

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Personnel Officer, S.E. Railway, Kharagpur with the following reliefs:-

"(1) Office Order No. ESB/2/5/DOS/FCCA/PDB dated 01.06.2015 issued by DRM (P) to S.E. Railway, Kharagpur, cannot be sustained in the eye of law and the same may be quashed.

(2) An order do issue directing the respondents to refix the pay of the applicant as per Railway Board's circular dated 10.6.2014 and to grant all consequential benefits."

2. Ld. Counsel for the applicant submitted that the applicant was initially appointed as S/C attendant from 1973 to 5.9.1977. Thereafter from 6.9.1977 to 25.7.1981 he was working as First Class Coach Attendant. The applicant retired from service as Goods Guard. The issue pertaining to pay scale of the Coach Attendants were decided by the Hon'ble High Court vide order dated 4.12.2012 in CP No. 311 of 2009 arising out of WP No. 566 of 2000 in the matter of All India Shramik & Coach Attendants Association & ors. v. U.O.I. In pursuance to the said order Railway Board vide order dated 10.6.2014 allowed the pay scale of Rs. 110-180/- (AS) and designated them as Passenger Attendant Grade I to all Coach Attendants. The Coach Attendants in the 2nd CPC instead of providing Pay Scale of Rs. 75-89 (AS) the revised pay scales were extended to them as recommended by successive Pay Commission during subsequent period along with all other consequential benefits.

3. The applicant preferred a representation before the Sr. Divisional Personnel Officer stating inter alia that he was initially appointed as Hamal at Kharagpur and subsequently he was ordered to work as Sleeper Coach Attendant under CITC/Howrah. From the post of Sleeper Coach Attendant he was subsequently ordered to work as FCCA from 6.9.1977 to 27.5.1981.

4. In response to the said representation the applicant received a letter

all

dated 1.6.2015 issued by the Divisional Personnel Officer, S.E. Railway, Kharagpur wherein it is stated that he will not be eligible for the benefit of FCCA like those FCCA who worked on regular measure.

5. He submitted that after receipt of the Office Order dated 1.6.2015 the applicant has preferred a representation under Annexure "A-5" dated 3.6.2015 (page 20) addressed to the Divisional Personnel Officer, S.E. Railway, Kharagpur i.e. respondent No. 2 and till date he has not received any response.

6. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent No. 2, if any such representation has been preferred on 3.6.2015 and still pending consideration then the same may be considered within a period of two months 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. A copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. A. Chakraborty undertakes to deposit necessary cost within a period of 7 days.

8. With the aforesaid observation and direction, the O.A. is disposed of. No costs.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

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