

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



No. O.A. 350/01216/2017

Date of order : 19.07.2018

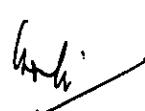
Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Alakh Niranjan Sinha,
Son of Late Tulsi Chaudhury,
Working as Loco Pilot (Passenger),
Under Sr. DEE (OP)/TRS,
Eastern Railway, Howrah,
Residing at 30 Bigha Adcco Nagar,
P.O. Adcco Nagar,
Howrah, Pin – 712121.

---Applicant

-Versus-

1. The Union of India
Through General Manager,
Eastern Railway, 27, Netaji Subhas Road,
Kolkata – 700 001.
2. Chief Personnel Officer,
Eastern Railway, 17, Netaji Subhas Road,
Kolkata – 700 001.
3. The Divisional Railway Manager,
Eastern Railway, Howrah.
4. The Sr. Divisional Personnel Officer,
Divisional Personnel Officer,
Eastern Railway, Howrah.
5. Sr. Divisional Elect. Engineer (OP)/TRS,
Eastern Railway, Howrah.
6. Divisional Finance Manager,
Eastern Railway, Howrah.



---Respondents

For the Applicant : Mr. B.R. Das, Counsel
Ms. S. Dutta, Counsel

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

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

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

- "(i) Rescind, recall, withdraw the order being Annexure – A1 and allow re-fixation of pay of the petitioner by way of:
 - (a) Treating the petitioner as to have opted for promotion to the post of Loco Pilot (Goods) with effect from the date of promotion i.e. 15.5.2009.
 - (b) Allow the petitioner next increment in the promotional post of Loco Pilot (Goods) in scale of pay of Rs. 9300-34,800/- G.P. Rs. 4200/- on 1.7.2009.
 - (c) Fix the pay of petitioner in the promotional post in scale of pay of Rs. 9300-34,800/- G.P. Rs. 4200/- in accordance with the Rules FR-22(l)(a)(1) read with Rule 13 of RSRP Rules, 2008.
- (ii) Pay all the arrears arising out of (b) & (c) with appropriate interests thereupon, forthwith.
- (iii) Certify that transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscientious justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii) above.
- (iv) Pass such other order/orders and/or direction/directions as deemed fit and proper.
- (v) Costs."

2. Heard Ld. Counsel for both sides.

3. Ld. Counsel for the applicant submits that this Tribunal had passed orders in O.A. 350/01496/2016 on 19.9.2017 as well as in O.A. No. 350/01483/2017 on 17.4.2018 wherein the applicants had approached the Tribunal on similar causes of action and further prays that similar orders may be passed in the context of the instant Original Application too.

4. In O.A. No. 350/01483/2017, this Tribunal had passed the following orders:-

"5. Accordingly without waiting for reply from the respondents we direct the Respondent No. 3 i.e. the Divisional Railway Manager, Eastern Railway, Howrah and the Respondent No. 4 i.e. the Senior Divisional Personnel Officer, Eastern Railway, Howrah to consider and dispose of the representations of the applicant dated 13.10.2010 (Annexure A/3) and dated

h.s.h.

29.5.2014 (Annexure A/5) and dated 20.2.2016 (Annexure A/7) by way of passing a well reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant. After such consideration if the grievance of the applicant is found to be genuine, then expeditious steps may be taken by the respondent authorities to extend the consequential benefits to the applicant within a further period of three months from the date of such consideration. If in the meantime, the representations of the applicant have already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of this order."

5. Both the Ld. Counsel agree that it would not be prejudicial to either of the parties if a similar order is passed in this case, as prayed for by Ld. Counsel for the applicant.

6. In the instant O.A. a representation dated 30.5.2014 (Annexure A-4 to the O.A.) is reportedly pending for decision at the level of the respondent authorities.

7. Hence, without entering into the merits of the case, we direct the respondent No. 3 i.e. Divisional Railway Manager, Eastern Railway, Howrah to dispose of the said representation of the applicant by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order under communication to the applicant and in case the decision so arrived at is in favour of the applicant, the authorities are to extend the consequential benefits to the applicant within a further period of 12 weeks from the date of such decision.

8. A copy of this order along with paper book may be transmitted to the respondent No. 3, for which the Ld. Counsel for the applicant shall deposit the necessary costs within one week from the date of receipt of a copy of this order.

9. With the above observation, the O.A. is disposed of. There shall be no order as to costs.

(Nandita Chatterjee)
Administrative Member

Banerjee
(Bidisha Banerjee)
Judicial Member