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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

O. A. No. 350/1420/ of 2016.

1. Golok Nath Gangopadhyay, son of late Mrityunjoy Ganguly, aged about 64 years, retired Instructor Operating from S&T Training Centre, Liluah, Eastern Railway, residing at Sadhanpur, Kalna Road, Burdwan, P.O. & Dist. Burdwan, Pin : 713 101.
2. Ananta Kumar Mukhopadhyay, son of late Anath Bandhu Mukhopadhyay, aged about 69 years, retired Instructor Operating from S&T Training Centre, Liluah, Eastern Railway, residing at 43, Thakurbati Street, P.O. Serampore, Dist. Hooghly, Pin : 712 201.
3. Manojit Banerjee, son of Late Indu Bhusan Banerjee, aged about 61 years, retired Instructor/TI from S&T Training Centre, Liluah, Eastern Railway, residing at 98/M, Kumirjala Road, P.O. Mallikpara, Serampore, Dist. Hooghly, Pin : 712 203.

Golok Nath Gangopadhyay

Ad

4. Durga Prasad Singh, son of late
Rajdeo Singh, aged about 68 years,
retired Instructor/Telecom from S&T
Training Centre, Liluah, Eastern
Railway, residing at Vill. & P.O.
Dhanauti, Dist. Siwan, Bihar, Pin :
841 233.

5. Sunil Chandra Das, son of late
Mukundra Chandra Das, aged about
64 years, retired Instructor/Signal
from S&T Training Centre, Liluah,
Eastern Railway, residing at 1, Hem
Paul Lane, Vivekananda Bhaban, P.O.
Belur Math, Dist. Howrah, Pin : 711
202.

6. Samar Kanti Ghosh, son of late P.K.
Ghosh, aged about 69 years, retired
Instructor/Telecom from S&T Training
Centre, Liluah, Eastern Railway,
residing at 51/A/10, Rabindra Sarani,
Liluah, Gupta Apartment, Flat No.
101.

...Applicants.

Ab

Golok Nath Gangopadhyay

-Vs-

1. Union of India through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
2. The Chief Personnel Officer, Eastern Railway, 17, N. S. Road, Kolkata- 700 001.
3. The Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah-711 101.
4. The Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah- 711 101.

... Respondents.

A handwritten signature in black ink, appearing to read "N.S.C." or a similar acronym.

No.O.A./350/1420/2016

Date of order : 09.03.2017

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

For the applicant : Mr. S.K. Datta, counsel

For the respondents : Mr. M.K. Bandyopadhyay, counsel

O R D E R (ORAL)

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

Heard Mr. S.K. Datta, Id. counsel for the applicants and Mr. M.K. Bandyopadhyay, Id. counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the acts or omissions on the part of the respondent authorities in not considering the representations made by the applicants for Teaching Allowance during the period they were posted as Instructors at S&T Training Centre, Liluah for imparting training.

3. The applicants have sought for the following reliefs :-

"8(a) An order granting leave to the applicants under Rule 4(5)(a) of the Central Administrative Tribunals (Procedure) Rules, 1987 to move this application jointly.

(b) An order holding that denial of/non-payment of Teaching Allowance to the applicants is bad in law, arbitrary and discriminatory.

(c) An order directing the respondents to grant and pay to the applicants the Teaching Allowance for the period the applicants were utilized by way of posting at S&T Training Centre, Eastern Railway, Liluah as Instructors and further directing them to grant the applicants all monetary benefits with interest as well as to grant them benefits of leave encashment taking into account the said Teaching Allowance and to pay them the difference of leave encashment payable to them on that account with interest within a period and the rate of interest as to this Hon'ble Tribunal may seem fit and proper.

Abel

(d) An order directing the respondents to produce/cause production of all relevant records.

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

4. Mr. Datta, Id. counsel for the applicants fairly submitted that all the applicants are retired employees and they were legally entitled to get the Teaching Allowance for the period they were posted as Instructors at S&T Training Centre, Liluah for requisite training.

5. Ventilating their grievances the applicants made a representation to the Chief Personnel Officer, Eastern Railway, Kolkata dated 18.01.2016(Annexure A-6), but till date the respondents have not given any reply to the same.

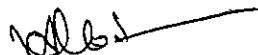
6. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicants submitted representation ventilating their grievance on 18.01.2016 (Annexure A-6), they have not received any reply or got the benefit to which they are entitled to till date. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

“17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period



of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."

7. The Law is well settled in a plethora of judicial pronouncements that similarly situated persons are entitled to the benefit of a decision and the authority is competent to extend the same which would not only save wastage of valuable time of the Department but also save exchequer from the expenses for contesting the cases if filed by other employees claiming extension of the benefits of a decision rendered on a particular point/issue.
8. It is the specific stand of the applicants that they stand in the similar footing as that of the applicant in the aforesaid matter.
9. Considering the aforesaid facts and circumstances, the Respondent No.2, i.e. the Chief Personnel Officer, Eastern Railway, Kolkata is directed to consider and dispose of the representation of the applicant, if any pending for consideration, by passing a reasoned and speaking order as per rules and intimate the result to the applicants individually within a period of three months from the date of receipt of a certified copy of this order. Though I have not gone into the merit of the case, the respondents are directed to keep in mind the order passed on 19.09.2014 in O.A.18 of 2013 [Subhash Chandra Chakraborty vs. Union of India & Ors.] and the letter No.E/4/E/instructor dated 28.09.2015, which are annexed to this O.A., while passing orders on the representation of the applicants. If after such consideration the applicants are found eligible to get the benefits, then expeditious steps should be taken to make payment to the applicants within a further period of further six months from the date of taking decision.



10. It is once again made clear that I have not gone into the merits of the case and all the points raised in the representation shall remain open for consideration by the respondent authorities as per rules and guidelines governing the field.

11. As prayed by Mr. Datta, a copy of this order along with the paper book may be transmitted to the Respondent No.2 by speed post by the Registry for which Mr. Datta undertakes to deposit the cost by 17th March, 2017.

12. With the above observations the O.A. stands disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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