

19
LIBRARY

OA No. 350/1496/2016

AN APPLICATION :

Under Section 19 of the Administrative Tribunals Act, 1985.

BETWEEN

1. PRADIP KUMAR MANDAL,
Son of Late Rajendranath Mandal,
Presently working as Sr.Loco Pilot (Passenger),
under Sr.DEE, Eastern Railway, Howrah
Permanently residing at A-13, Rajdanga Nabapally,
PS Kasba, Kolkata – 700107.

.....Petitioner/Applicant

AND

1. Union of India, through General Manager,
Eastern Railway, 27, Netaji Subhas Road,
Kolkata – 700 001.
2. The 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.

all,

5. Sr. Divisional Elect. Engineer(OP)/TRS,
Eastern Railway, Howrah.

6. Divisional Finance Manager,
Eastern Railway, Howrah.

.....Respondents.

all

No.O.A.350/1496/2016

Date of order : 19.09.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

For the applicant : Mr. B.R. Das, counsel
 Mr. S. Bhattacharya, counsel
 For the respondents : Mr. M.K. Bandyopadhyay, counsel

ORDER (ORAL)**Mr. A.K. Patnaik, J.M.**

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs:-

- 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) w.e.f. 01.07.2009.
 - b) Allow the petitioner his normal increment in the lower post of Loco Pilot (Shunting) Gr.II in scale of payoff Rs. 5200-20,200/-G.P. Rs.2400/- on 01.07.2009.
 - 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(I)(a)(1) read with Rule-13 of RSRP Rules, 2008.
- ii) Pay all the arrears arising out of I(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 conscionable 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."

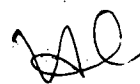
2. Heard Mr. B.R. Das, Id. Counsel for the applicant and Mr. M.K. Bandyopadhyay, Id. counsel for the respondents.



5. It appears that in O.A.No.350/01543/2016 concerned respondent was directed to consider and dispose of the representation of the applicant by passing a well reasoned order within a period of two months, if the same was still pending and extend the consequential benefits to the applicant within a further period of three months in case his grievances were found to be genuine. It was further ordered that if the representation of the applicant was found to have already been disposed of, then to communicate the result thereof to the applicant within a period of two weeks from the date of communication the order.

6. We find that the applicant in the instant O.A. has filed representation to the Respondent No.3 i.e. the Divisional Railway Manager, Eastern Railway on 30.06.2014 (Annexure A/5) and to the Respondent No.4 i.e. the Senior Divisional Personnel Officer, Eastern Railway, Howrah on 22.02.2016(Annexure A/6). Therefore, it will not be prejudicial to either of the sides if a direction is given to consider and dispose of the representation of the applicant:

7. Accordingly without waiting for reply from the respondents we direct the Respondent No.3. i.e. the Divisional Railway Manager, Eastern Railway 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 30.06.2014(Annexure A/5) and 22.02.2016(Annexure A/6) by way of 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 and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken by the respondents 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.

8. It is made clear that we have not gone into the merits of the case and all the points raised in the representations are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. A copy of this order along with the paper book may be transmitted to the Respondents No.3 and 4 for which Id. counsel for the applicant shall deposit the cost within one week.

10. With the above observations the O.A. is disposed of. No order as to cost.

(Dr. N. Chatterjee)
Administrative Member

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(A.K. Patnaik)
Judicial Member