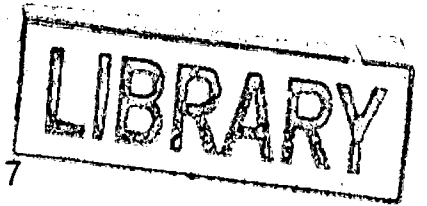


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/00111/2017

Date of order : 14.2.2017

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

Manick Chandra Ghosh,
Aged about 59 years,
Son of Late Kartick Chandra Ghosh,
Residing at J.N. Bose Road,
Village and Post Office – Kodalia,
Kolkata – 700 146 and
Working as Cabin Master in Baruipur Station
Under Eastern Railway, Sealdah Division,
And who is going to be retired in the month of
February, 2016.

.. Applicant

- VERSUS -

1. Union of India, service through the
General Manager, Eastern Railway,
Kolkata, 17, N.S. Road, Fairlie Place,
Kolkata – 700 001.
2. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Sealdah,
Kolkata – 700 014.
3. The Senior Divisional Personnel Officer,
Eastern Railway, Sealdah Division,
Kolkata – 700 014.

.. Respondents

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

For the Respondents : None

ORDER (Oral)

Per Mr. A.K. Patnaik, Judicial Member:

Heard Mr. P.C. Das, Ld. Counsel for the applicant.

2. This O.A. has been filed by the applicant under Section 19 of the

Administrative Tribunal Act, 1985 stating that the pension payment order dated 7.7.2016 being Annexure A-4 of this O.A. issued by the Railway respondents by which they have fixed the pensionary benefit of the present applicant erroneously by not giving the appropriate Grade Pay and not fixing the appropriate pay benefit as well as erroneously fixed the pension of the present applicant which is a very meagre amount where the applicant has rendered 25 years of unblemished service in the department and non-consideration of the notice demanding justice as made by the Ld. Counsel for the applicant dated 21.1.2016 requesting the Railway authorities to give the appropriate benefit of pay as well as the other pensionary benefits and to fix the pension as well as the other benefit in favour of the applicant by taking into consideration the Grade Pay which the applicant was enjoying during his service tenure and to re-fix the pay and pensionary benefit and disburse the same to the applicant within a stipulated time frame but despite making such notice demanding justice this Railway authorities did not pay any heed to his request.

3. Aggrieved by the same the applicant has filed this instant O.A. seeking the following reliefs:-

"a. To pass an appropriate order directing upon the respondent authority to modify/rectify the pension payment order dated 07.07.2016 in P.P.O. No. 20167020600677 issued by the Railway respondents by which they have erroneously fixed the benefit of pension by not taking into account the appropriate Grade Pay and fixed your applicant's pension in a meagre amount which is far less than a minimum pension amount declared by the Central Government who has rendered 25 years of unblemished service and because of such non-pensionary benefit and other benefits in the P.P.O., your applicant is seriously deprived as a retired employee by not getting the appropriate retirement benefit because of the laches on the part of the Railway department.

b. To pass an appropriate order directing upon the respondent authority to fix your applicant's pensionary benefit by giving the appropriate Grade Pay in terms of the letter of the Railway authority dated 20.6.2012 being Annexure A-1 of this O.A. and give the consequential benefit in favour of the applicant and to fix his pension by modifying or rectifying the pension payment order dated 07.07.2016

WLL

and to give all consequential benefit in favour of the applicant with interest @ 9% p.a.

c. To pass an appropriate direction upon the respondent authority to consider the grievances as redress by the Learned Advocate on behalf of the applicant in respect of giving the appropriate retiral benefit in taking into consideration the appropriate pay which he was enjoying and to fix the pensionary benefit of the applicant within a stipulated time so that time and again applicant cannot rush before this Hon'ble Tribunal for inaction on the part of the Railway authority."

4. Mr. Das submits that after receipt of the order the applicant has not yet been granted MACP.

5. We find that the applicant in this O.A. has not yet ventilated his grievance except one legal notice has been given to the respondents which in our opinion cannot be treated as a representation.

6. At this juncture, Ld. Counsel for the applicant sought liberty from this Tribunal to allow the applicant to make a comprehensive representation addressed to the respondent Nos. 2 and 3 within a period of 4 weeks and acceding to the said prayer we dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation within a period of 4 weeks from today enclosing a copy of this order and all other relevant documents and if any such representation is preferred within a period of 4 weeks from today, the respondent Nos. 2 and 3 are directed to consider the same and pass a reasoned and speaking order and communicate the decision taken to the applicant within a period of 2 weeks from the date of passing of such speaking order.

7. With the aforesaid observation, the O.A. is accordingly disposed of.
No costs.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP