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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

C.A. No. 350/1750 of 2017.

Sri Jaydeb Chitrakar, son of Late Panchanan Chitrakar, working as Helper under Sr. Section Engineer/TL-AC/CP under Sr.DEE(G), Eastern Railway, Sealdah Division, residing at 2/A, Palodi Chakraborty Lane, Kolkata - 700 026.

..... Applicant.

- Versus -

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

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4. The Sr. Divisional Electrical Engineer  
(G), Eastern Railway, Sealdah Division,  
Kolkata - 700 014.

5. The Sr. Divisional Finance Manager,  
Seastern Railway, Sealdah Division,  
Kolkata - 700 014.

..... Respondents.

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No.O.A.350/1750/2017

Date of order : 05.03.2018

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

For the applicant : Mr. N Roy, counsel

For the respondents : None

**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 praying for the following reliefs:-

- " a) To issue direction upon the respondents to give suspension period pay benefit along with other service benefit and to give delayed payment of interest @ 12% where the applicant is acquitted from all the charges. So suspension period pay benefit should be considered forthwith;
- b) Any other order or orders as the Learned Tribunal deem fit and proper.
- c) To produce Connected Departmental Record at the time of hearing."

2. Heard Mr. N Roy, Id. counsel for the applicant. None appears for the respondents.

3. Brief facts of the case as narrated by the Id. counsel for the applicant are that the applicant was suspended from duty by the respondent authorities w.e.f. 20.09.2011 to 26.11.2013 in connection with a Police case i.e. TR No.857 of 2012 arising out of P. S. Case No.102 dated 04.07.16 under Section 498A/406/34 of the Indian Penal Code. It is submitted by the Id. counsel for the applicant that the respondent authorities have suspended the applicant with effect from 20.09.2011 to 26.11.2013 in connection with the said case. However, the First

Class Judicial Magistrate, 7<sup>th</sup> Court passed an order on 15.12.2016 to the effect that the applicant was not guilty of the offence under Section 498A/406/34 of IPC and thereby the applicant was acquitted from that case under Section 248(1) of the Criminal Procedure Code. It is further submitted by the Id. counsel for the applicant that a promotional list was published on 01.12.2015(Annexure A/3) wherein the applicant's name found place at Srl. No.22. The grievance of the applicant is that though he was acquitted from the criminal case long back on 15.12.2016 and his junior has got the promotional pay benefits, he has not been given such benefits till date. Id. counsel for the applicant submitted that during his suspension period the applicant has not got any amount from the authority concerned. Being aggrieved the applicant made representation to the authority concerned ventilating his grievances therein on 09.06.2017(Annexure A/5), but no reply has been received from the respondent authorities till date. Hence, the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. However, Id. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the respondent No.4. i.e. the Senior Divisional Electrical Engineer(G), Eastern Railway, Sealdah Division, Kolkata to consider and dispose of the representation of the applicant dated 09.06.2017 (Annexure A/5) as per rules and regulations governing the field within a specific time frame.

5. Though no notice has been given to the respondents we are of the view that it would not be prejudicial to either of the sides if a direction is given to the Respondent No.4 to consider and dispose of the representation of the applicant as per rules and regulations in force within a specific time frame.

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6. Accordingly the respondent No.4 i.e. . the Senior Divisional Electrical Engineer(G), Eastern Railway, Sealdah Division, Kolkata is directed to consider and dispose of the representation of the applicant dated 09.06.2017(Annexure A/5) as per the rules and regulations in force by passing a well reasoned order within a period of six weeks from the date of receipt of this order, if such representation is still lying pending for consideration and communicate the decision to the applicant forthwith. After such consideration, if the decision of the respondents goes in favour of the applicant, the consequential benefits may be given to the applicant within a further period of six weeks from the date of taking decision in the matter.

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

8. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.4 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost within a week.

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

(Dr. N. Chatterjee)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

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