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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No.350/01876/2015

Dated of order: 21.12.2015

PRESENT:

THE HON'BLE MR. JUSTICE G.RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

.....
Shri Suresh Kumar Roy, Son of Late Harikesto Prasad Roy, residing at 18, Shibtala Lane, Kolkata-700 014, working as Peon under Senior Station Superintendent, Sealdah, Eastern Railway.

.....Applicant

For the Applicant: Mr. N.Roy, Counsel

-Versus-

1. Union of India service through the General Manager, 17, Netaji Subhas Road, Kolkata-700 001.
2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Kolkata-700 014.
3. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Divison, Kolkata-700 014.
4. The Senior Divisional Finance Manager, Eastern Railway, Sealdah, Kolkata-700 014.

.....Respondents

For the Respondents: None

ORDER

JUSTICE G.RAJASURIA, JM:

Heard the Learned Counsel for the Applicant.

2. This OA has been filed seeking the following reliefs:



"(a) To issue direction upon the respondent to give continuous service benefit to the applicant for the period from 18.10.80 to 03.04.91 forthwith;

(b) to issue further direction upon the respondent to consider the representation of the applicant for continuous service benefit for the period from 18.10.80 to 03.04.91 to the applicant forthwith;

(c) to issue further direction upon the respondent according to RB circular being No. 172 of 2003 for continuous service benefit which may be given to the applicant forthwith;

(d) Any other order or orders as the learned Tribunal deem fit and proper;

(e) To produce connected departmental record at the time of hearing."

(Extracted as such)

3. The Learned Counsel for the Applicant would submit that notices were sent to the Respondents. But status of service of notice has not been filed. However, taking into consideration the innocuous prayer of the learned counsel for the applicant and the order which is going to be passed, we are of the view that notice could be dispensed with.

4. The grievance of the Applicant placing reliance on the RBE No. 172/2003, which is extracted hereunder for ready reference –

"The issue, as to which date shall be taken into account for allowing annual increment to a Substitute i.e. whether it should be the date of his/her engagement as a Substitute or the date of his/her attaining the temporary status, was under examination in this office. It has now been decided that in supersession of all previous instructions on the subject, the services of a Substitute for allowing annual



increment shall be counted from the date of his/her attaining temporary status.

These instructions will come into effect from the date of issue of this letter. Past cases decided otherwise need not be re opened."

would submit that even though the applicant completed 120 days of service as substitute and acquired the temporary status, annual increment, as contemplated under the RBE, cited supra, was not granted to him and the applicant submitted representation requesting grant of the benefit, as per the RBE No. 172 of 2003 but there is no response. Hence, without deciding this case, on merit, we would like to issue the following direction:

The Respondent Authority concerned, shall consider the case of the applicant, with reference to the RBE No. 172 of 2003, if the same has not been superseded, and if the applicant is found eligible, the benefit be extended to him within a period of two months from the date of receipt of a copy of this order.

5. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice G. Rajasuria)
Judicial Member

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