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AN APPLICATION :

Under Section 19 of the Administrative Tribunals Act, 1985.

OA No. 350/00023/17
BETWEEN

1. **GOUTAM ROY,**

Son of Late Bimalendu Roy, ,

Working as Sr. Technician (Gr.I) (Electric),

Eastern Railway, Sealdah,

Residing at 154, Kora Green, P.O. Kora Chandigarh,

P.S. Madhyamgram, Distt. North 24-Parganas,

Kolkata – 700 130.

.....Petitioner/Applicant

AND

1. Union of India through the

General Manager, Eastern Railway,

Eastern Railway, Sealdah,

Kolkata – 700 014.

2. Sr. Divisional Personnel Officer,

Eastern Railway, Sealdah,

Kolkata – 700 014.

3. Sr.DEE(TRS)/DE(TRS), Eastern Railway,

Sealdah Division, Kolkata-700 014.

4. Asstt. Electric Engineer (OP), TRS,

Eastern Railway, Sealdah Division,

Kolkata – 700 014.

Goutam Roy

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5. Sr. Section Engineer (IC),
Narkeldanga / TRS.
Eastern Railway, Sealdah,
Kolkata - 700 014.

6. Sr. Section Engineer,
TRS Loco Chitpur,
Kolkata - 700 037.

7. Sri Partha Pratim Das,
Son of Patit Paban Das,
Working as Sr. Section Engineer,
TRS Loco Chitpur,
Kolkata - 700 037.

.....Respondents.

Wd

No. O.A. 350/00023/2017

Date of order: 4.5.2017

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

For the Applicant : Mr. B.R. Das, Counsel

For the Respondents : Mr. A.K. Guha, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. B.R. Das, Ld. Counsel appearing for the applicant and Mr. A.K. Guha, Ld. Counsel appearing for the respondents.

2. This OA has been filed by Shri Goutam Roy, working as Sr. Technician (Gr.I)(Electric), Eastern Railway, Sealdah challenging non-sanction of medical leave by way of commutation for the period from 3.7.2016 to 15.7.2016 which was duly approved by the Railway Medical Authority and subsequently treating the said period as leave without pay by the concerned Railway authorities, deduction of Rs. 17, 235/- from the pay and allowance of the applicant for the month of October, 2016 treating the period as absent from duty and also non-consideration of his representation dated 8/9.11.2016 addressed to Respondent No. 3. This O.A. has been filed praying for the following reliefs:

"i) Treat the petitioner's period of absence on medical ground for the period from 3.7.2016 to 15.7.2016 as on HLAP (for 26 days) for all intents and purpose.

ii) Quash and/or set-aside and/or review the deduction of amount of Rs. 17,235/- on account of the period as referred to hereinbefore being treated as leave without pay and direct repayment of the deducted amount forthwith.

iii) Certify and transmit the entire papers and documents pertaining to this matter so that conscionable justice may be done unto the applicant by allowing the reliefs as prayed for in (i) and (ii), above,

iv) Any further order/orders and/or direction/directions as to your Lordships may seem fit and proper.

v) Costs."

3. The facts in a nut shell as per Mr. B.R. Das, Ld. Counsel for the applicant are that the applicant while working in the capacity of a Sr. Technician Gr. I (E) fell sick on 2.7.2016 and on 3.7.2016 he was advised by his physician to take a rest for a period of 2 weeks and accordingly he went on leave from 3.7.2016 to 15.7.2016 on regular PMC. On 16.7.2016 he went to the Medical Department of Eastern Railway for check-up where they declared him fit for joining duty and accordingly he joined duty on the same day. He applied for converting his sick leave on PMC from 3.7.2016 to 15.7.2016 to commuted leave on HLAP for a period of 26 days to the SSE at Narkeldanga, Sealdah. His leave period was treated as Leave Without Pay. Thereafter an amount of Rs. 17,235/- was also deducted from his salary of October, 2016 on the ground of leave without pay for his entire period of sickness on PMC.

4. Mr. B.R. Das, Ld. Counsel for the applicant submitted that against the SSE (IG) TRS/LOCO/CP a mass petition dated 16.9.2016 was also filed by the staffs of LOCO/TRS/CP, however he submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 3 to dispose of the representation dated 8.11.2016 within a specific time frame.

5. ~~Though no notice has been issued still then~~ ^{DNK} we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 3, that if any such representation have been preferred on 8.11.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of one month 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

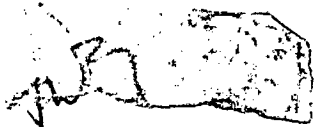
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to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to refund the amount to the applicant.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by coming Monday.

8. With the aforesaid observation and direction, the O.A. is disposed of.



(Jaya Das Gupta)
Administrative Member



(A.K. Patnaik)
Judicial Member

SP

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