

0-A-350/405/2018



CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Sujit Kumar, S/o Chandeshwar Prasad, aged about 33 years, working for gain as Trackman -IV, TAK-3 under the overall control of Divisional Railway Manager, Eastern Railway, Howrah at present residing at P.O. Dharahara, Nalanda, Bihar, Pin - 803111.

..Applicant

- Vs -

1. Union of India through General Manager, Eastern Railway, Fairlie Place, Calcutta - 700001.
2. Divisional Railway Manager, Eastern Railway, Howrah, Pin - 711101.
3. Sr. Divisional Personnel Officer, Eastern Railway, Howrah, Pin - 711101.
4. Sr. DEN (1)/Howrah, Eastern Railway, Howrah, Pin - 711101.
5. Asstt. Engineer (1), Eastern Railway, Liluah.

.. Respondents

Wd

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O A No.350 /405/2018

Date of order: 19.04.2018

Coram : Hon'ble Mr.A.K. Patnaik, Judicial Member

For the applicant : Mr. C. Sinha, counsel

For the respondents : None

O R D E R

A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"(a) To set aside and quash Impugned letter dated 04.09.2017 issued by Sr. Divisional Personnel Officer, Eastern Railway, Howrah to the extent of the observation "his salary could not be charged from SSE/P. Way/ HGY;

(b) To direct the respondents to release salary for the period from 10.10.2012 to 14.10.2012, 30.08.2015 to 15.09.2016 and from 13.06.2017 till date;

(c) To direct the respondents to pay subsistence allowance w.e.f. 16.09.2016 to 12.06.2017;

(d) To direct the respondents to pay interest @ 10% p.a. on the amount so received by the applicant on account of arrear salary and subsistence allowance;

(e) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

2. Heard Mr. C. Sinha, Id. counsel for the applicant. None appears for the official respondents.


3. At the outset Mr. C. Sinha fairly submitted that he has served notice to the respondents stating that this matter would be listed on 20.04.2018, but the matter is reflected in the cause list of today. But as I am disposing of this matter by remanding the same back to the respondent authorities, it will not be



prejudicial to the respondents if the matter is taken up today instead of on 20.04.2018.

4. Brief facts of the case as narrated by the Id. counsel for the applicant are that the applicant was appointed to the post of Trackman/Engineering in G.P. of Rs.1800/- under the respondents on 10.10.2012 through a selection conducted by the RRC/Eastern Railway. It is submitted by the Id. counsel for the applicant that the applicant was absent from duty from 15.10.2012 to 29.08.2015 and went to the authority concerned to resume his duties on 30.08.2015 when he was sent for special medical examination. It is further submitted by the applicant that on being declared fit by ACMS/BDC Health Unit the applicant resumed his duties on 18.03.2016. The grievance of the applicant is that from 18.03.2016 though he performed his regular duties he did not get his salary as a result of which he is in deep financial trouble. It is further submitted by the applicant that he was placed under suspension on 16.09.2016 which was revoked subsequently. However, the applicant made representations to the authorities ventilating his grievances therein on 26.10.2016(Annexure A/8) followed by representation dated 22.09.2017(Annexure A/11) and prayed for payment of his salary, but the respondents have not considered his case till date. Hence, the applicant has approached this Tribunal seeking the aforesaid reliefs.

5. Id. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the respondent authorities concerned to consider and dispose of the representation of the applicant as per rules in a time bound manner.



6. Though no notice has been issued to the respondents, I am of the view that it would not be prejudicial to either of the parties if a direction is given to the respondent authorities to consider and dispose of the representations of the applicant within a specific time frame as prayed by Id. counsel for the applicant.

7. Accordingly the Respondent No.2 i.e. the Divisional Railway Manager, Eastern Railway, Howrah or any other competent authority is directed to consider and dispose of the representations of the applicant dated 26.10.2016(Annexure A/8) and dated 22.09.2017(Annexure A/11) as per rules and pass a well reasoned order within a period of six weeks from the date of receipt of a copy of this order under communication to the applicant. After such consideration, if the grievance of the applicant is found to be genuine, then, the respondent authorities shall take expeditious steps to pay the admissible salary to the applicant within a further period of six weeks from the date of taking decision in the matter.

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

9. With the above observations and directions the O.A. stands disposed of.
No order as to cost.



(A. K. Patnaik)
Judicial Member

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