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OA/350/00521/2018

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA**

**PARTICULARS OF THE APPLICANT:**

**Gopal Krishna Debnath**, son of Makhan Lal Debnath, aged about 44 years, residing at Jhappukur, Bidhan Nagar, Sahaganj, Hooghly 712104.

.... **APPLICANT**

**V E R S U S**

- I. Union of India, through the General Manager, Eastern Railway, Fairlie Place, Kolkata 70001
- II. The Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata 700001.
- III. The Chairman, Railway Recruitment Cell, Eastern Railway, E. R. Avenue, Kolkata 700012.
- III. The Sr. Divisional personnel officer, Eastern Railway, Howrah - 1.

.... **RESPONDENTS**

*W.L*

at per  
Court's order  
2nd 19.4.18  
Ranabir  
TW

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/521/2018

Date of Order: 25.09.2018

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

For the Applicant(s): Mr. A.Chakraborty, Counsel

For the Respondent(s): None

ORDER (ORAL)

Mr. A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.

2. This O.A. has been filed under Section 49 of the Administrative Tribunals Act, 1985 with the following prayers:

- a) An order do issue directing the respondents to release salary in favour of the applicant for the period from 06.11.2015 till 07.6.2016.
- b) An order do issue directing the respondent to pay the applicant Rs. 10,000/- towards cost as directed by the Hon'ble Tribunal.

3. The case of the applicant is that while working as Constable he was medically decategorised on 04.12.2015 and was posted as Track Maintainer Grade III (Chowkidar) in the Engineering Department. On being aggrieved by the order of his posting, the applicant filed one original application being OA 37 of 2016 before the Central Administrative Tribunal. The said application was disposed of on 27.01.2016 by the Hon'ble Tribunal with a direction upon the respondents to immediately find out a suitable alternative adjustment for the applicant in scrupulous observation of Rules 1301-1307 as contained in RBE 89/99 within one month from the date of communication of this order and till such time the applicant shall not be compelled to join the post of Chowkidar. The respondents filed WPCT 105 of 2016 before the Hon'ble High Court, which was dismissed by the Hon'ble Court on 06.05.2016 with costs of Rs. 10,000/- which is payable to the respondent. The pursuant to the order passed by Hon'ble Tribunal in O.A 37 of 2016 affirmed by Hon'ble High Court on 06.06.2016 the applicant was posted as Assistant Booking Clerk, Anikā Kalna under the respondents of Eastern Railway. The

(A)

grievance of the applicant is that he has not been issued with the salary for the period from 06.11.2015 to 07.06.2016.

4. It is submitted by the Ld. Counsel for the applicant that ventilating his grievance applicant has made representation on 10.04.2017 (Annexure-A/5) before the Sr. Divisional Personnel Officer, Eastern Railways, Howrah (Respondent No.3) but till date no action has been taken. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if the said Respondent is directed to consider the representation within a specific time frame.

5. Having heard Ld. Counsel for the applicant, without entering into the merit of the matter, we dispose of this O.A. by directing the Respondent No.3 to consider the representation of the applicant under Annexure-A/5 as per rules and regulations in force and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. We make it clear that if after such consideration the applicant is found to be entitled to the relief claimed by them then expeditious steps be taken within a period of further six weeks to release his salary. We also make it clear that if in the meantime the representation of the applicant has already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. Copies of this order be handed over to the Ld. Counsels for both the sides.

(Dr. Nandita Chatterjee)  
Member (A)

(A.K Patnaik)  
Member (J)