

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

O. A. No. 256/245/2019

PARTICULARS OF THE APPLICANT:

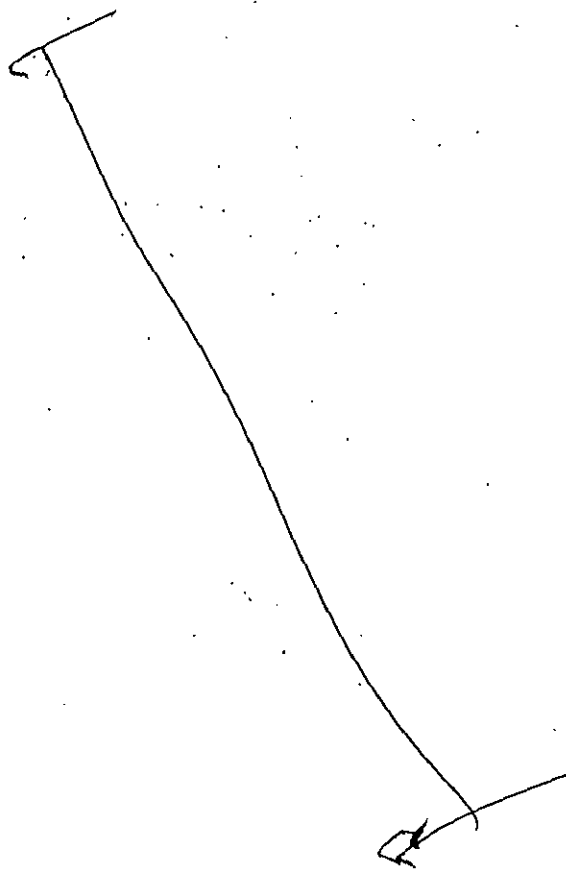
ANJAN KUMAR CHATTERJEE, son of late Arun Kumar Chatterjee, aged about 60 years, working as work Study Inspector in GM's Efficiency Cell, Eastern Railway, Kolkata, residing at 37, T. N. Chatterjee Street, P.S. - Baranagar, Kolkata 700 090

..... APPLICANT

V E R S U S

- i) Union of India, through the General Manager, Eastern Railway, Fairly Place, Kolkata 700 001.
- ii) The Principal Chief Personnel Officer, Eastern Railway, Fairly Place, Kolkata 700 001
- iii) Assistant Personnel Officer, Eastern Railway, (HQ & MMP) Eastern Railway, Fairly Place, Kolkata 700001

.....RESPONDENTS



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/145/2019

Date of Order: 04.03.2019

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

Anjan Kumar Chatterjee -vs- E. Rly.

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

For the Respondent(s): Ms. S.Daschandra, Counsel

ORDER (ORAL)

A.K Patnaik, Member (I):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant, and Ms. S.Daschandra, Ld Counsel appearing for the Official Respondents, in extenso.

2. The applicant has moved this Tribunal by filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) An order do issue directing the respondents to sanction two advance increments in favour of the applicants for acquiring higher technical qualification i.e AMIE Section "A" in 1987 to grant arrears

b) An Office Order No. E839/2/MISC/GM.Effy.Vol-III/Pt.IV dated 14.12.2015 issued by the Assistant Personnel Officer (HQ) for Chief Personnel Officer, Eastern Railway in respect of the applicant cannot be sustained in the eye of law and same may be quashed."

3. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that Railway Board issued Circulars for incentive to Group C Railway employees for acquiring higher qualification and also acquiring higher technical qualification in the year 1996 and 2008 respectively. The applicant made a prayer before the Chief Personnel officer praying for grant of two advance increment for acquiring higher qualification. The applicant was informed that his prayer for grant of 2 advance increments cannot be accepted on the ground that he received a lump sum payment of Rs. 4000/-. Relying on the decision of the Hon'ble High Court of Calcutta in

WU

WPCT No. 414/99, Ld. Counsel claimed that the applicant is entitled to similar benefit.

4. Ld. Counsel for the applicant, at the outset, fairly submitted that the applicant ventilating his grievance has made a representation dated 16.01.2019 (Annexure-A/5) before the Chief Personnel Officer, Eastern Railway, Kolkata but till date neither any communication has been made to him nor he has been granted the benefit of increment as claimed by him. He further submitted that the grievance of the applicant may be more or less redressed if the Respondent No.2 is directed to consider his aforesaid representation in the light of the judgment passed by the Hon'ble High Court of Calcutta in W.P.C.T.No. 236/1997 and W.P.C.T.No. 414/1999 (Annexure-A/6) within a specific time frame.

5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure-A/5, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that while considering Annexure-A/5 representation, Respondent No. 2 will also keep in mind the judgment delivered by the Hon'ble High Court of Calcutta (Annexure-A/6). It is further made clear that if after such consideration the grievance of the applicant is found to be genuine and he is otherwise eligible then the benefit of increment may be provided to him within a further period of six weeks. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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



7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS

