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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/ 1691 of 2018

IN THE MATTER OF:

BIJAY KUMAR TIWARY, son of Late
Bhupendra Nath Tiwary, aged about 62
years, residing at 22/15, Kumarpara Road,
Liluah, Howrah Pin-711204 and retired
from service on 31.03.2016 while working
to the post of Senior Technician under the
Senior Section Engineer (Electrical)
ACC/SYAE/Eastern Railway, Howrah.

...Applicant

-Versus-

1. UNION OF INDIA service through the
General Manager, Eastern Railway.
Kolkata, 17, N.S. Road, Fairlie Place.
Kolkata- 700001.

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11/11/2018

2. THE DIVISIONAL RAILWAY MANAGER.

Eastern Railway, Howrah Division,
Howrah - 711101.

3. THE SENIOR DIVISIONAL PERSONNEL

OFFICER, Eastern Railway, Howrah
Division, Howrah - 711101.

4. THE SENIOR DIVISIONAL ELECTRICAL

ENGINEER(G), Eastern Railway, Howrah
Division, Howrah - 711101.

5. THE SENIOR SECTION ENGINEER

(ELECTRICAL) ACC/SYAE/Eastern
Railway, Howrah Division, Howrah-
711101.

...Respondents.

W.L.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1691/2018

Date of Order: 29.11.2018

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

Bijay Kumar Tiwary
-VS-
Eastern Railway

For the Applicant(s): Mr. P. C Das, Counsel
Ms. T. Maity, Counsel

For the Respondent(s): Mr. A. K Guha, Counsel

ORDER (Oral)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicant.

2. Mr. A.K.Guha, Ld. Counsel, who usually appears for the Eastern Railways, is present and on my request, Ld. Counsel for the applicant has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. Guha in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ a) To pass an appropriate order directing upon the respondent authority to disburse the Overtime Dues in favour of the applicant with effect from 21.09.2015 to 10.01.2016 and Travelling Allowances which was due with effect from September 2015 to January 2016 in terms of Annexure A-1 of this original application and on the basis of the recommendation made by the railway authority on 31.01.2018 and on the basis of the Statement and duplicate bills of OT and Travelling Allowances of the applicant prepared by the railway authority which is appearing at Annexure A-3 of this original application along with interest at the rate of 12% per annum;

b) To pass an appropriate order directing upon the respondent authority to immediate release the Overtime Dues with effect from 21.09.2015 to 10.01.2016 and Travelling Allowances which was due with effect from September 2015 to January 2016 in favour of the applicant which is an admitted due and

A.K

which has been recommended by the railway authority itself vide their office letter dated 31.01.2018 and also in terms of the duplicate bills of OT and Travelling Allowances which are prepared for making such payment in favour of the applicant being Annexure A-3 of this original application along with up-to-date interest. ”

4. Mr. Das, Ld. Counsel for the applicant, submitted that the applicant is a retired Senior Technician under the Senior Section Engineer, Eastern Railway is aggrieved as the Overtime Allowances and Travelling Allowances, which is due and payable to him, have not been paid by the authorities. The applicant approached the Sr. DPO, E. Rly by way of representation for payment of Overtime Allowances due to him w.e.f. 21.09.2015 to 10.01.2016 and also the Travelling Allowances w.e.f. September 2015 to January 2016. He further submitted that since ventilating his grievance the applicant has preferred representation under Annexure-A/1 on 17.09.2017 and the same is still pending consideration, the applicant's grievance may be more or less redressed if a direction is issued to Respondent No.3 to consider his representation which has already been forwarded under Annexure-A/3.

5. I do not think that it will be prejudicial to either of the sides, if the matter is left to the appropriate authority to consider as per rules and regulations in force. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation of the applicant so preferred under Annexure-A/1, keeping in mind Annexure-A/2 and A/3, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of the applicant is found to be genuine then expeditious steps be taken within a further period of six weeks to grant him the OTA. 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 two weeks.

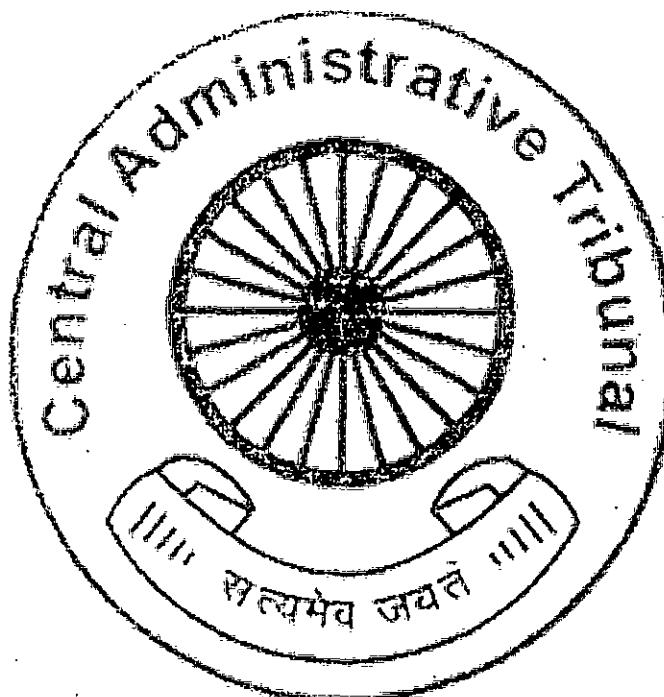
6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 3, 4 and 5 by Speed Post, 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



(a) Sl. No. of the appln.
 (b) Name of the applicant.....
 (c) Dt. of receipt of the application.....
 (d) Hn. of the copy.....
 (e) Ccl. of the copy.....
 (f) Dt. of preparation of copy..... *7/12/18*
 (g) Dt. of delivery of the copy
 to the applicant.....