

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH

**An Application under Section 19 of the
Administrative Tribunals Act, 1985.**

O. A. NO. 38/1715 OF 2018

And

In the matter of:

Sri Bijoy Chowdhury,

Son of Late Jagganath
Chowdhury, aged about 61
years, before retirement was
working as Carpenter Grade-I
under AEN-1 Kanchrapara,
Eastern Railway, presently
residing at C/o. Bapi
Barman, Jader Box Lane,
House No. 39, Post Office -
Kanchrapara, District -
North 24 Parganas, Pin Code
No. 743145.

... Applicant

-Versus-

Wd

1. **UNION OF INDIA,**
represented by the General
Manager, Eastern Railway,
17, N.S. Road, Kolkata -
700001.

2. **THE CHIEF PERSONNEL**
OFFICER, Eastern Railway,
17, N.S. Road, Kolkata -
700001.

3. **THE SENIOR**
DIVISIONAL PERSONNEL
OFFICER, Eastern Railway
Sealdah, Kolkata - 700014.

4. **THE SENIOR DIVISIONAL**
ENGINEER (CORD), Eastern
Railway, Sealdah, Kolkata -
700014.

5. **THE ASSISTANT ENGINEER**
(1), Eastern Railway,
Kanchrapara (Loco), P.O.

Vol

Kanchrapara, District - North

24-Parganas, Pin No.

743145.

6. THE SENIOR SECTION

ENGINEER/WS, Workshop,

Kanchrapara, Eastern

Railway, Post Office -

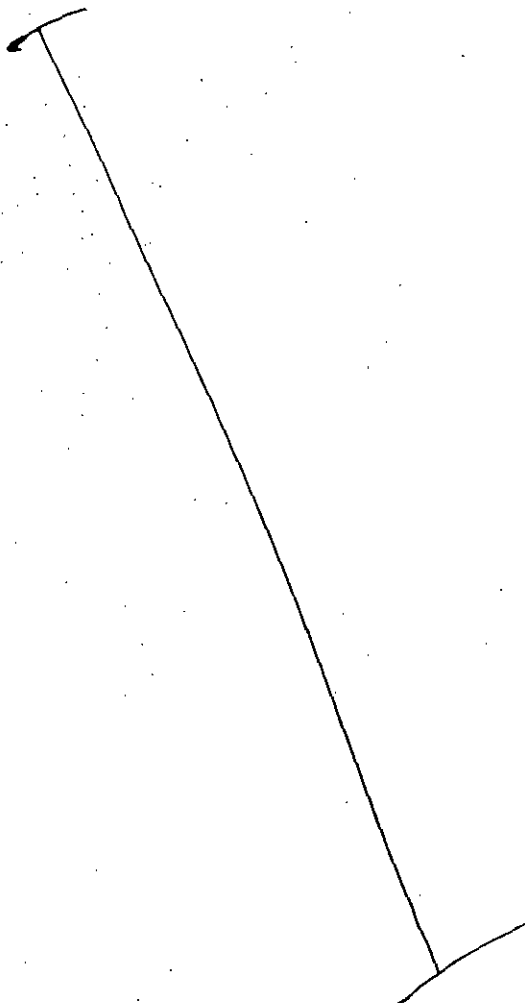
Kanchrapara, District - North

24-Parganas, Pin Code No.

743145.

... Respondents

WJ



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1715/2018

Date of Order 11.02.2019

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

Bijoy Chowdhury -vs- Eastern Railway

For the Applicant(s): Mr. S. K Mitra, Counsel

For the Respondent(s): Ms. C. Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. S.K.Mitra, Ld. Counsel for the applicant, and Ms. C.Mukherjee, Ld. Counsel appearing for the Official Respondents, in extenso.

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

" a) An order thereby directing and commanding the respondents, their servants, subordinates, agents and/or assigns to refund the amount already deducted towards leave salary of 57 days of LAP with interest at the rate as fixed by the Hon'ble Tribunal.

b) An order thereby directing and commanding the respondents, their servants, subordinates, agents and/or assigns to transmit and produce the service records of the applicant before this Hon'ble Tribunal at the time of hearing of this Original Application.

c) An order thereby directing and commanding the respondents more particularly the Respondent No. 2 to consider the representations of the applicant after giving an opportunity of hearing to the applicant for effective consideration of the case of the applicant by the Respondents.

d) An order of costs of and/or incidental to this Original Application

e) Any further or other order or orders as to your Lordships may deem fit and proper. "

Wd

3. Brief case of the applicant as enumerated by Ld. Counsel is that the applicant while working as Carpenter Grade-I has retired on attaining the age of superannuation on 31.08.2017. The grievance of the applicant, a cancer patient, is that just before his retirement he, being sick, remained on leave from 15.05.2017 to 10.06.2017 and although in support of his sickness he had produced the necessary sick certificates, 57 days of Leave on Average Pay (LAP) was deducted from his account without any prior notice. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation on 23.07.2018 (Annexure-A/6) before Respondent No.2, but till date no reply has been communicated to him. He further submitted that grievance of the applicant may be redressed if Respondent No.2 is directed to consider the said representation within a specific time frame.

4. Having heard Ld. Counsel for 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 dated 23.07.2018 (Annexure-A/6), 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 if after such consideration the grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks to release the leave salary. 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.

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

Wll

6. 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.
7. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS

