

LIBRARY**IN The Central Administrative Tribunal****Calcutta Bench**

Title of the case OA No. 350/1471 of 2016

Sri. Palash Baran Ghosh

S/O Late Haripada Ghosh

Ex. OS – Gr. II / Pay Bill/E.Rly/Howrah

Residing at Vill +Po – Chikroand,

Dist – Hooghly, Pin – 712304

.....Applicant

---VS---

Union of India

1. Represented by the General Manager

E.Rly, 17,N.S.Road, Kolkata – 700001

2. The Chief Personnel Officer

Eastern Railway

Fairlie Place, Kolkata – 700001

3. Sr. Divisional Personnel Officer

Eastern Railway, Howrah – 711101

4. Sri. Shatruघna Jha

OS – II EAC/Section DRM Office

Howrah – 700001

.....Respondents

WAL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1471/2016

Date of Order: 14.11.2018

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

For the Applicant(s): Mr. B. Chatterjee, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B.Chatterjee, Ld. Counsel for the applicant. Mr. A.K.Banerjee, Ld. Counsel for the Official Respondents, is also present and heard in extenso.

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

- “a) To pass order/or direction upon the respondent authority as respondent No. 2 to fix the pay of the applicant at par with his junior since 14.05.97 to 31.05.2016 and on the fixation of last pay to fix the pension and to pay the arrears of difference of pay since 14.05.97 to 31.05.2016 within time from.
- b) To pass such other further order and/or orders as your Lordships may deem fit and proper.”

3. The case of the applicant in short is that he was initially appointed as office peon on 12.06.1979 and thereafter promoted to the post of Group 'C' Clerk Gr. II on 31.03.1995 and posted at Personnel Branch Howrah. Thereafter, the applicant was promoted to the post of Clerk Gr. I on 24.06.2006 and last promoted as OS Gr. II on 23.07.2010 and after completion of service as per age limit retired on 31.05.2016. The applicant is aggrieved as his junior's pay has been fixed higher than him.

4. Although notice has been issued in this case, I find from the record that ventilating his grievance the applicant had preferred representation under

W.A.

Annexure-A/9 on 20.06.2016. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if Respondent Nos. 2 and 3 are directed to consider his representation, which is stated to be pending, within a specific time frame, to which Mr. Banerjee has no serious objection.

5. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2 and 3 to consider the representation dated 20.06.2016 of the applicant, if the same has been filed and is still pending consideration, and pass a reasoned and speaking order as per rules and regulations governing the field 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 extend those benefits as prayed by the applicant in his representation as admissible under law. I 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. 2 and 3, 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)