

CALCUTTA BENCH

O.A.No.350/428/2019

In the Matter of :

An application u/s 19 of the  
A.T. Act, 1985;

-And-

In the Matter of :

Prabir Kumar Ghoshal, son of  
Late Provash Chandra Ghoshal  
aged about 69 years, Ex-Head  
Clerk of Personnel Branch  
under Sr.D.P.O., Sealdah Divn.  
Eastern Railway, residing at  
B-40, Amarabati, P.O. Sodepur,  
Dist. 24-Pgs.(N), Kolkata-  
700 110.

.. Applicant

-Versus-

1. Union of India through the  
General Manager, Eastern Rly.,  
17, N.S.Road, Kolkata-700001.
2. The Chief Personnel Officer  
Eastern Railway, 17, N.S.Road,  
Kolkata-700 001.
3. The Divisional Railway  
Manager, Sealdah Division,  
Eastern Railway, Kaizer St.,  
Sealdah, Kolkata-700 014.

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4. The Senior Divisional  
Personnel Officer, Sealdah  
Division, Eastern Railway,  
Keizer Street, Sealdah,  
Kolkata-700 014.

.. Respondent

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/428/2019

Date of Order: 26.03.2019

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

Prabir Kumar Ghoshal -vs- Eastern Railway

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

Ms. A. Sarkar, Counsel

For the Respondent(s): Mr. S. K. Das, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. A. Sarkar along with Mr. K. Sarkar, Ld. Counsel for the applicant.

2. Mr. S. K. Das, Ld. Counsel who usually appears for the Eastern Railway, is present in the court and, on my advice, Ld. Counsel for the applicant has served copy of this O.A., along with annexures, on Mr. Das as I do not want the Official Respondents to go unrepresented. Heard Mr. Das *in extenso*.

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

"i) To direct the respondents to grant proforma fixation of pay to the applicant w.e.f. 10.03.1982 as Senior Clerk and thereafter as Head Clerk w.e.f. 13.01.1992 and to pay consequential reliefs thereof after giving proforma fixation of pay;

ii) To direct the respondents to refix pension of the applicant after fixing the proforma fixation of pay, as above;

iii) To direct the respondents to extend the benefit of the order dated 16.01.2012 passed in M.A No. 411 of 2011 & O.A No. 553 of 2011 of this Hon'ble Tribunal in the matter of Sukumar Chakraborty & Ors. Vs. Union of India & Ors. and order dated 26.09.2013 passed in O.A No. 1201 of 2013 in the matter of Swadesh Priya Bandyopadhyay vs. Union of India & Ors of this Hon'ble Tribunal to the applicant as he was similarly circumstanced employee in terms of the recasted seniority list dated 01/02.06.2010; as contained in "A-5", "A-6" & "A-4" respectively herein;

iv) To direct the respondents to deal with and/or dispose of the representation of the applicant dated 21.12.2018 as contained in Annexure "A-9" herein;

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v) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;

vi) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

4. The brief facts of this case as narrated by Ms. A. Sarkar, Id. Counsel for the applicant are that the applicant has joined as a Callman under Sealdah Division, Eastern Railway and promoted to the post of Clerk Gr. II and thereafter to the post of Clerk Gr. I and finally to the post of Head Clerk. He superannuated from service on 31.05.2010. On 01/02.06.2010, the respondent No. 4 published a recasted seniority list of Sr. Clerks under Sr. DPO/Sealdah as on 01.06.1989 in compliance with the order of the Hon'ble High Court, Calcutta wherein the seniority position of the applicant was as at Serial No. 39. The grievance of the applicant is that his junior Goutam Chakraborty was drawing more pay than that of him. Therefore, when the A.P.O.(Elect.)/Sealdah Division invited applications regarding pay anomalies relating to seniority list of 01/02.06.2010, he made a representation on 07.07.2014(Annexure A/7) followed by reminder dated 21.12.2018(Annexure A/9), to the Respondent No. 4, i.e. the Senior Divisional Personnel Officer, Sealdah Division, Eastern Railway, praying for rectification of his pay anomalies relating to the seniority list dated 01/02.06.1989 and claiming pay at par with his junior. The applicant has also prayed for extension of the benefits of the orders of this Tribunal dated 16.01.2012 passed in **M.A No. 411 of 2011 & O.A No. 553 of 2011** in **Sukumar Chakraborty & Ors. Vs. Union of India & Ors.** and dated 26.09.2013 passed in **O.A No. 1201 of 2013** in the matter of **Swadesh Priya Bandyopadhyaya vs. Union of India & Ors.** on the ground that he is similarly situated with those employees, but his claim has not been considered by the respondents till date. Being aggrieved by such inaction on the part of the respondent authorities, the instant application has been preferred seeking the aforesaid reliefs.

5. Ms. Sarkar, ld. Counsel for the applicant further submits that the applicant would be satisfied for the present if a direction is issued to the respondent authorities to consider the representations under Annexure A/7 and Annexure A/9 respectively within a specific time frame.

6. 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. 4 to consider the representations of the applicant, dated 07.07.2014 and 21.12.2018 under Annexure A/7 and Annexure A/9, if the same have been filed and are pending for consideration, by passing a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith. After such consideration, if the applicant's grievance is found to be genuine, then necessary steps shall be taken by the respondents to grant the consequential benefits within a further period of six weeks. I also make it clear that if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicant within two weeks.

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

8. As prayed for by the Ld. Counsel for the applicant, a copy of this order, along with paperbook be transmitted to Respondent Nos. 4 by Speed Post, for which, she undertakes to deposit the cost with the Registry within a week.

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

(A.K Patnaik)  
Member (J)