

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

AN APPLICATION :

DA/350/1579/2018

Under Section 19 of the Administrative Tribunals Act, 1985.

BETWEEN

SUDIPTA KARAR,

Son of Sunil Chandra Karar,

Residing at Village - Garmmirjapur,

P.O. - Mashila, District - Howrah, PIN : 711 302,

West Bengal

working as Loco Pilot - Passenger/Motorman (Electrical) under control

of Sr. Crew Controller, Eastern Railway, Howrah.

.....Petitioner/Applicant

AND

1. Union of India, through General Manager,
Eastern Railway, 27, Netaji Subhas Road,
Kolkata - 700 001.
2. The Chief Personnel Officer,
Eastern Railway, 17 Netaji Subhas Road,
Kolkata - 700 001.
3. The Divisional Railway Manager,
Eastern Railway, Howrah.
4. The Sr. Divisional Personnel Officer,
Divisional Personnel Officer,
Eastern Railway, Howrah.

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5. Sr. Divisional Elect. Engineer(OP)/TRS,
Eastern Railway, Howrah.

6. Divisional Finance Manager,
Eastern Railway, Howrah.

.....Respondents.

7. Debkumar Kundu

8. Debasis Dutta - I

both working as Loco Pilot - Passenger/Motorman (Electrical) under
authority of the Sr. Crew Controller, Eastern Railway, Howrah.

.....Proforma Respondents.

620

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1579/2018

Date of Order: 25.01.2019

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

Sudipta Karar -vs- Eastern Railway

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

Mr. K. K Ghosh

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

ORDER (ORAL)

A.K Patnaik, Member (I):

Heard Ld. Counsel appearing for both the parties.

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

"(i) Step up the pay of the petitioner on a parity with his juniors, the Proforma Respondents w.e.f 27.09.2011, if not from 1.01.2006, or any other day thereafter.

ii) Consider the representation (A5) by passing appropriate orders so as to allow stepping up of the pay of the petitioner with all arrears, pay and allowances thereof, forthwith.

iii) Certify that transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii), above

iv) Pass such other order/orders and/or direction/directions as deemed fit and proper.

v) Costs."

3. The case, in short, as narrated by Mr. B. R Das, Ld. Counsel for the applicant, is that the applicant was appointed as an Asst. Loco Pilot through RSC on 14.10.1985. One Mr. Deb Kumar Kundu and Debasis Dutta (I) were also appointed as Asst. Loco Pilot on 18.07.1988 and 01.07.1988 respectively. They were subsequently promoted through the same channel of promotion.

WAO

The applicant was promoted as Loco Pilot Pass/Motorman (Elect) on 10.09.1998 whereas the aforesaid two persons were promoted to the same post w.e.f 27.09.2011. Ld. Counsel submits that to the utter surprise of the applicant, the aforesaid juniors were receiving higher pay than him as revealed from their order of promotion dated 27.09.2011 to the post of Loco Pilot Pass/Motorman (Elect). The applicant upon queries was told that the anomaly was due to refixation of pay after implementation of the 6th Pay Commission effective 1.01.2006. Ld. Counsel for the applicant also submits that the applicant being senior to the aforesaid juniors is entitled to appropriate fixation vis-a-vis the pay of the juniors by way of stepping up as per the provision made under RS (RP) Rules, 2008. Ld. Counsel for the applicant submitted that ventilating his grievance, the applicant preferred representations under Annexure-A5/1 and A5/2 on 09.06.2017 and 31.01.2018 respectively before the Sr. DPO (Respondent No.4) seeking refixation/stepping up of his pay from the date the juniors were promoted.

4. Having heard the Ld. Counsel for the applicant as well as Ld. Counsel for the Respondents, 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 under Annexure-A5/1 and A5/2, if the same has been filed and is pending for consideration, 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 after such consideration, if the applicant is found to be entitled to the relief claimed by him, expeditious steps be taken within a further period of six week to step up/upgrade his pay. 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.

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

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 4 by Speed Post, 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)

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