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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/121/2019
AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

PARTICULARS OF THE APPLICANT:

SHRI UJJAL KUMAR DATTA, Son of Late Nalini Ranjan Datta, working as Loco Pilot, Shunting (Grade-1) CCC (R) Dum Dum, Eastern Railway, and residing at 5/A, Milan Park, Kalinibash, P.O:- Nona Chandanpukur, Barrackpore, Dist:- 24 Parganas(North), Kolkata-700 122.

.....Applicant.

- V E R S U S -

PARTICULARS OF THE RESPONDENTS:

- i) The Union of India, through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata-700 001.
- ii) The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700 014.
- iii) The Chief Personnel Officer, Eastern Railway, Fairlie Place 17, N.S. Road, Kolkata- 700 001.
- iv) The Sr. Divisional Personnel Officer, Eastern Railway, Seal Division, Kolkata- 700 014.

.....Respondent

W.L.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/121/2019

Date of Order: 30.01.2019

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

Ujjal Kr. Datta -vs- Eastern Railway

For the Applicant(s): Mr. N. Roy, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. N.Roy, Ld. Counsel for the applicant. Mr. Roy submitted that he has already sent copy of the O.A., along with annexures, to Respondents.

2. As no-one appears on behalf of the Respondents and Mr. S.K.Das, Ld Counsel, who usually appears for the Eastern Railways, is present in the Court, on my request, Mr. Roy 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. S.K.Das, in extenso.

3. Mr. Roy submitted that this O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- " a) To issue direction upon the respondents to consider the representation dated 20.06.18 for payment of arrear on several allowances forthwith.
- b) To issue further direction upon the respondents according to R.B No. 141 of 2017, the applicant is entitled for allowance, may be considered forthwith.
- c) To issue further direction upon the respondents to consider the representation of the applicant regarding fixation of pay of the applicant according to R.B Circular No. 99 of 2017 and revised pay structure w.e.f 1.1.16.
- d) To issue further direction upon the respondents for arrear of leave salary to the running staff according to R.B circular No. 148/2017 for arrear of leave salary w.e.f 01.01.2016

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e) Any other order or further order or orders as deemed fit and proper under the circumstances of the case.

f) To produce Connected Departmental Record at the time of hearing."

4. The sum and substance of case of the applicant, as narrated by Ld. Counsel for the applicant, is that the applicant is working as running staff under E.Railway Sealdah Division and is aggrieved as he is not getting certain allowances. His further grievance is that some of the allowances is not being paid as per 7th CPC. He made representations to the respondent authorities to release the same as per his entitlement but the same has not been done by the authorities. Ld. Counsel for the applicant submitted that although, ventilating his grievance, the applicant has preferred representation before Respondent No.4 under Annexure-A/5 dated 20.06.2018 but till date nothing has been communicated to him. He further submitted that the applicant's grievance may be more or less redressed if a direction is issued to Respondent No.4 to consider the representation of the applicant taking into account Annexure-A/6 (RBE 99/2017, letter dated 21.08.2017) within a specific time frame.

5. 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 representation dt. 20.06.2018 (Annexure-A/5), if the same has been filed and is pending for consideration, keeping in mind Annexure-A/6 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 applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks to grant the admissible allowances, as claimed by him. 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 a period of 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 No. 4, 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

