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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

O.A. No. 350/01430 of 2018 ;

sri Brij Kishore Singh,  
son of Late J.P. Singh, aged about  
61 years, worked as Ex-Catering  
Inspector, South Eastern Railway,  
Garden Reach, Kolkata-700 043,  
residing at Flat No.2C, 2nd Floor,  
242A, Motilal Gupta Road, Sodepur,  
Bazar, Kolkata-700 082.

... Applicant

- Versus -

1. Union of India, through the  
General Manager, South Eastern  
Railway, Garden Reach, Kolkata -  
700 043.

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2.

2. The Chief Personnel Officer,  
South Eastern Railway, Garden Reach,  
Kolkata-700 043.

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/01430/2018

Date of Order: 30.11.2018

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

SHRI BRIJ KISHORE SINGH -VS- S.E. RAILWAY

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

For the Respondent(s): Mr. M.K.Bandyopadhyay, Counsel

ORDER(ORAL)

A.K Patnaik, Member (J):

Heard Mr. T.K.Biswas, Ld. Counsel for the applicant.

2. As I do not want the Official Respondents to go unrepresented, Mr. M.K.Bandyopadhyay, Ld. Counsel who usually appears for the S.E.Railways, is present in the court and, on my request, Ld. Counsel for the applicant has served copy of the O.A. along with annexures, on him. Heard Mr. Bandyopadhyay in extenso.

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

“(a) An order do issue directing the respondent authorities to implement the officer order being No. E/CC/Annual Increment/BKS/10 dated 29.1.2010 (Annexure-A/3), 3.10.2013, 24.10.2013 and 19.11.2013 (Annexure A-6 coll.) and to fix the pay and to grant consequential benefits and thereafter re-fix the pension properly.

(b) An order do issue directing the respondent authorities to pay the arrears along with interest as admissible under the rules.

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(c) An order directing the respondents to consider the representation of the applicant (Annexure-A/7) collectively) within specific period.

(d) Any other order or orders as to this Hon'ble Tribunal may deem fit and proper."

4. Mr. Biswas, Ld. Counsel for the applicant, submitted that the applicant was originally appointed as a Catering Manager through Railway Service Commission and got subsequent promotions. The applicant while working under respondent No. 3 made a representation stating inter-alia that during the period 1996 to 2001, he was posted in Puri/Khurda Division, KGP, Khurda & Chakradharpur when his basic pay was Rs. 6200/-. Since 1996 to 2001 increment for 5 years @ 175 per annum should have brought to his basic pay Rs. 6200/- + Rs. 875/-. But his basic pay remained at Rs. 6200/-. In the year 2002, 2003 and 2004 while posted in Howrah his basic pay was lowered down by three stages and received three increment @ 175/- against reduced basic pay of Rs. 5675/- i.e. basic pay Rs. 6200/-. It has been submitted that he should have been given increments against the basic pay Rs. 6200/- and not against Rs. 5675/-. Although the pay of the applicant was reduced as a measure of penalty in fact no order of penalty was served upon him. The applicant had moved in O.A. No. 1545 of 2010 before the Hon'ble Tribunal. The said O.A. was disposed of with a direction upon the respondent authorities to consider and dispose of the representation of the applicant. On 29.11.2010, the Respondent No. 4 issued an office order stating inter-alia that the applicant was transferred

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from KHP Division to Kur Division on 03.06.1999 and at that point of time his basic pay as indicated in the service sheet was Rs. 6200/- and as such the penalty of reduction of pay by three stages was erroneously imposed at Rs. 6200/- to Rs. 5675/- whereas the same should have been reduced from Rs. 6550/- to Rs. 6025/-. On completion of punishment his pay was restored on the basis of the erroneous orders that were issued while imposing the penalty. The applicant was informed that the respondent authority has decided to rectify the anomalies of pay. Ld. Counsel for the applicant submits that when the respondent authorities vide their office order dated 29.11.2010 had already decided to rectify the anomalies of pay of the applicant, they cannot sit tight/remain silent over the matter. He prays for implementation the office order being No. E/CC/Annual Increment/BKS/10 dated 29.11.2010 passed by the Sr. Divisional Personnel Officer/Ghadrathpur. He further submitted that since ventilating his grievance the applicant has preferred several representations under Annexure-A/7 and the last being dated 08.02.2017, which are still pending consideration, the applicant's grievance may be more or less redressed if a direction is issued to Respondent No.2 to consider his representation dated 08.02.2017.

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 No. 2 to consider the representation of the applicant under Annexure-A/7 dated 08.02.2017, if the

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same has been filed and is still pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of four weeks from the date of receipt of copy of this order. I also make it clear that while considering the representation of the applicant, he may be given a chance of personal hearing and while deciding his representation Respondent No.2 shall keep in mind the grievance of the applicant and deposition made during personal hearing. I hope and trust that if after such consideration, the applicant's grievance is found to be genuine then necessary steps may be taken to grant him the increment within a further period of four weeks. 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.

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. 1 and 2 by Speed Post, 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