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-QA/350/1096/2018

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

Kamala Kanta Mondal, son of Binod Bihari Mondal, aged about 39 years, working as Track Maintainer - Gr ^{III} IV, ~~DTE~~ under S.S.E. P (Way), Kolaghat, residing at Village - Kala, Post Office - Kolaghat, District - Purba Midnapur, Pin 721134, West Bengal.

.... APPLICANT

V E R S U S

- (i) The Union of India, through General Manager, South Eastern Railway, Garden Reach Road, Kolkata 700 043
- (ii) The Senior Divisional Personnel Officer, South Eastern Railway, Kharagpur, 721301
- (iii) The The Assistant Divisional Engineer, South Eastern Railway, Panakura 7 2 1 1 5 2
- (iv) Amiya Kumar Mondal
- (v) Mithun Kumar Mondal
- (vi) Nema Santra
- (vii) Manindra Mondal

All are working as Trackman Grade III under SSE/P (Way) South Eastern Railway, Kharagpur, 7 2 1 3 0 1

..... RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1096/2018

Date of Order:19.11.2018

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

Kamala Kanta Mondal –vs- S.E. Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel

Ms. P. Mondal, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.

2. Mr. M.K.Bandyopadhyay, Ld. Counsel, who usually appears for the South Eastern Railways, is present 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:

“ An order do issue directing the respondents to grant the arrears from 17.08.2014 till the actual date of posting as Track Maintainer Grade III in the grade pay of Rs. 1900/-”

4. The brief case of the applicant, as stated by the Ld. Counsel for the applicant, is that the applicant is working as Track Maintainer Grade III in the Grade Pay of Rs. 1800/- and is posted under Sr. Section Engineer (P.Way), S.E.R Kolaghat. Ministry of Railways have reviewed Cadres of certain group 'D' Staff in consultation with both the recognized Federation with a view to strengthen and rationalize the staffing pattern of the railways. The applicant states that his juniors got the benefit of promotion in the post of Trackman Grade III in the grade pay of Rs. 1900/- with

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effect from 17.08.2014. Although the applicant got the benefit of promotion in the post of Track Maintainer Grade III in the grade pay of Rs. 1900/- but the arrears of pay with effect from 17.08.2014 till the actual date of posting was not granted in favour of the applicant and the applicant being aggrieved has approached this Tribunal. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred a representation dated 25.06.2018 (Annexure-A/2) before Respondent No. 3 but nothing has been communicated to him till date.

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. 3 to consider the representation under Annexure-A/2 of the applicant, if the same has been filed and is pending before him for consideration, 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 the applicant is found to be genuine then expeditious steps be taken within a further period of six weeks to give him the benefit of promotion. 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 at this admission stage. 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. 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)

RK/PS