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CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA/350/00283/2019

Subrata Roy, Son of Late Suresh Chandra Roy, aged about 53 years, working as Reservation Supervisor -II under the overall control of Principal Chief Commercial Manager, South Eastern Railway, at present residing at Village - Bongshinagar, P.O. Bagula, District - Nadia, Pin - 741502.

Applicant

- Vs -

1. Union of India through the General Manager,
South Eastern Railway, Garden Reach,
Kolkata - 700043.
2. Principal Chief Personnel Officer,
South Eastern Railway, Garden Reach,
Kolkata - 700043.
3. Principal Chief Commercial Manager,
South Eastern Railway,
Old Koilaghat Building,
Kolkata - 700001.
4. Senior Personnel Officer (T)
South Eastern Railway,
Personnel Department,
14, Strand Road, Kolkata - 1.

Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/283/2019

Date of Order: 05.03.2019

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

Subrata Roy -vs- S.E Railway

For the Applicant(s): Mr. C. Sinha, Counsel

For the Respondent(s): Mr. A. K Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. C.Sinha, Ld. Counsel for the applicant.

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

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

- “ a) To set aside and quash Impugned Office Order No. 6 of 2019 dated 11.02.2019 issued by Sr. Personnel Officer (T) for Principal Chief Personnel Officer, South Eastern Railway.
- b) To direct the respondents to allow the applicant to enjoy the Financial Upgradation under MACP Scheme in Grade pay of Rs. 4200/- w.e.f 01.09.2008 as granted to him vide Office Order No. 14 of 2015 dated 08.09.2015.
- c) To direct the respondents not to make any recovery from the applicant and to refund any amount if already recovered.
- d) Any other order or orders as the Hon'ble Tribunal deems fit and proper.”

W.L

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4. Mr. Sinha, Ld. Counsel for the applicant, at the outset, submitted that although the applicant was eligible to get the financial upgradation as per MACP Scheme, the same was not granted to him for which he had approached this Tribunal in first round of litigation by filing O.A.No. 1273/2015, which was disposed of on 04.09.2015 directing the Official Respondents to complete the process and grant the financial benefit (first financial upgradation) to the applicant, which was duly complied with as per order under Annexure-A/5. However, the same was cancelled vide Annexure-A/7 dt. 11.02.2019 and the financial upgradation granted to the applicant was withdrawn without giving him any opportunity or any prior notice. Therefore, Mr. Sinha submitted that although the applicant has preferred representation dt. 16.02.2019 under Annexure-A/8 still then the order under Annexure-A/7 should be quashed.

5. I am quite satisfied with the submission made by Mr. Sinha and, accordingly, while quashing Annexure-A/7, at the stage of admission, I dispose of this O.A. by making it clear that the representation, as claimed by the applicant under Annexure-A/8 addressed to the Pr.C.P.O. (Respondent No.2) is still pending consideration, shall be considered by Respondent No.2 and a reasoned and a reasoned and speaking order be issued to the applicant within a period of six weeks from the date of receipt of copy of this order. I also make it clear that, although the order of this Tribunal has reached finality, if the Official Respondents are of the view that they have given benefit of financial upgradation inadvertently as per order of this Tribunal still then they have to give reasonable opportunity to the applicant and till such time no further coercive action like reducing pay scale or whatsoever will be taken against the applicant. Applicant is granted liberty to approach this Tribunal if outcome of Annexure-A/8 is not palatable to his ultimate expectation.

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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. 2, 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

