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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/01126/2017

Date of order: 6.12.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Arun Gupta,
Son of Late Debnarayan Gupta,
29, Creper Road,
P.O. Konangar,
District : Hooghly,
PIN : 712235;

... Applicant.

Versus

1. Union of India,
Ministry of Railways,
(Railway Board),
Service through the General Manager,
Eastern Railway – 700001
2. The Senior Divisional Personnel
Officer/ Howrah,
Eastern Railway,
Howrah – 711101.
3. The Divisional Railway Manager,
Howrah,
Eastern Railway,
Howrah – 711101.
4. The Senior Divisional Medical Officer,
Eastern Railway,
Howrah – 711101.
5. The Chief Medical Superintendent
Eastern Railway/ Howrah – 711101.
6. The Station Manager,
Eastern Railway,
Howrah – 711101.
7. Mr. T.K. Das De-categorised,
Senior Goods Guard,
Santragachi Sultanpur, Jagacha,
Howrah – 711101.
8. Mr. N.G. Das,
De-categorised Senior Passenger Guard,
24/2, rai Jatindranath Choudhury Lane,
Baranagar, Kolkata – 700036.

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... Respondents.

For the Applicant : Ms. M. Datta, Counsel

For the Respondents : None

ORDER (Oral)Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"(a) An order/direction upon the respondent authorities for and each of their to cancel, withdraw, rescind and/or set-aside the memo dated 8.7.2015, 16.7.2015 and 4.11.2015 being Annexure "A-7", "A-8" and "A-9" hereto;

(b) An order and/or direction upon the respondent authorities and each of them to consider the case of the applicant as if he was serving as Mail-Guard, Running Category with all available service benefits including 55% Basic pay to be reckoned as Running Allowance for the purpose of calculation of his pay for the pension.

(c) An order and/or direction upon the respondent authorities and each of them to consider re-fixing of applicant's pension in the light of the mandatory provisions Section 47 of the PWD Act.

(d) An Order and/or direction upon the respondents and each of them to certify and transmit all records relating to the de-categorised staff as applicant and other two staffs, similarly situated, the respondent Nos. 7 and 8 herein;

(e) To pass such other order or further order or orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard Ld. Counsel for the applicant. No affidavit of service is found on record. The matter is taken up at the admission stage.

3. The applicant's case, in brief, is that he is aggrieved due to non-payment of service benefits with 55% pay elements benefit being declassified Mail-Guard (Running category). The respondent authorities had granted such benefits to one Mr. N.G. Das, declassified Sr. Passenger Guard and one Shri T.K. Das, declassified Sr. Goods Guard who have since superannuated. In spite of making several representations, however, the applicant was not accorded the same benefit. Hence, the applicant has approached this Tribunal praying for the above mentioned relief.

Heb

According to the Ld. Counsel for the applicant, the applicant had represented to the respondent No. 3 i.e. the Divisional Railway Manager, Howrah, Eastern Railway on 1.8.2016 and thereafter on 5.8.2016, requesting for 55% benefits to be added in his pension as a running staff followed with an demand notice dated 5.4.2017 and that the applicant would be fairly satisfied if a direction is issued to the competent respondent authority to dispose of the same in a time bound manner.

4. We are of the considered view that neither party would be prejudiced if a direction is issued to the competent authority to decide on the pending prayer of the applicant.

5. Hence, accordingly, without entering into the merits of the matter, we hereby direct the respondent No. 3, who is Divisional Railway Manager, Eastern Railway, Howrah to decide on the said representations, if received at his end, in accordance with law within a period of six weeks from the date of receipt of this order and to communicate the decision arrived at to the applicant forthwith in the form of a reasoned and speaking order.

In case, the applicant is found entitled to the benefits that he seeks, the same should be released within a period of further six weeks from the date of the decision of the respondents.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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