

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 1662 of 2018
 O.A. 1663 of 2018
 O.A. 1664 of 2018
 O.A. 1665 of 2018
 O.A. 1666 of 2018

Date of order : 4.02.2019

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

1. **Sujit Roy,**
Son of Late Satyanarayan Roy,
Residing at Loco Colony, Rly. Qtr. No. 416/D,
(Chartala),
P.O. & District – Burdwan,
Pin – 713 101
West Bengal,
Working as Loco Pilot – Passenger/ Motorman
(Electrical) under control of
Sr. Crew Controller, Eastern Railway, Howrah.
2. **Prabir Bhowmik,**
Son of Late Krishna Kumar Bhowmik,
Residing at Village – Sarada Pally,
Golghar Primary School,
District & P.O. – Purba Burdwan,
Pin. : 713 101
West Bengal,
Working as Loco Pilot – Passenger/ Motorman
(Electrical) under control of
Sr. Crew Controller, Eastern Railway, Howrah.
3. **Dilip Kumar Datta;**
Son of Late Anil Chandra Datta,
Residing at 57/B, Niranjan Samajpati Sarani,
P.O. – Nabanagar, District – 24 Parganas (North),
Pin – 743 136,
West Bengal,
Working as Loco Pilot – Passenger/ Motorman
(Electrical) under control of
Sr. Crew Controller, Eastern Railway, Howrah.
4. **Bijoy Kumar Sarkar,**
Son of Haripada Sarkar,
Residing at Olaichanditala,
P.O. & District – Hooghly,
Pin – 712 103,
West Bengal,

[Signature]

**Working as Loco Pilot – Passenger/ Motorman
(Electrical) under control of
Sr. Crew Controller, Eastern Railway, Howrah.**

**5. Debashis Das,
Son of Late Arun Chandra Das,
Residing at Sadhanpur, Allundanga,
Rayabagan (Pukur Par), District – Burdwan,
Pin : 713 101,
West Bengal,
Working as Loco Pilot – Passenger/ Motorman
(Electrical) under authority of
Sr. Crew Controller, Eastern Railway, Howrah.**

VERSUS

- 1. Union of India,
Through General Manager,
Eastern Railway, 27, Netaji Subhas Road,
Kolkata – 700 001.**
- 2. The Chief Personnel Officer,
Eastern Railway, 17, Netaji Subhas Road,
Kolkata – 700 001.**
- 3. The Divisional Railway Manager,
Eastern Railway,
Howrah.**
- 4. The Sr. Divisional Personnel Officer,
Divisional Personnel Officer,
Eastern Railway, Howrah.**
- 5. Sr. Divisional Elect. Engineer (OP)/TRS,
Eastern Railway, Howrah.**
- 6. Divisional Finance Manager
Eastern Railway, Howrah.**

.. Respondents

- 7. Debkumar Kundu**
- 8. Debasis Dutta – I**

**Both working as Loco Pilot – Passenger / Motorman
(Electrical) under authority of the Sr. Crew Controller,
Eastern Railway, Howrah.**

.. Proforma Respondents

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For the Applicants : Mr. B.R. Das, Counsel
Mr. K.K. Ghosh, Counsel

For the Respondents : Mr. P.B. Mukherjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

All five Original Applications have been taken up together as common points of fact and law are involved therein.

2. The applicants have sought the following relief in each of the O.A.s:

"(i) Step up the pay of the petitioner on a parity with his juniors, the Proforma Respondents w.e.f. 27.9.2011, if not from 1.1.2006, or any other day thereafter.

(ii) Consider the representation (A-5) by passing appropriate orders so as to allow stepping up of the pay of the petitioner with all arrears, pay and allowances thereof, forthwith.

(iii) Certify that transmit the entire records and papers pertaining to the applicant's case, so that after the causes shown thereof, conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii), above.

(iv) Pass such other order/orders and/or direction/directions as deemed fit and proper.

(v) Costs."

3. Heard both Ed. Counsel, examined documents on record.

4. The matter is taken up at the admission stage.

5. The case of the applicants, as submitted through their Ed. Counsel, is that the applicant in O.A. No. 1662 of 2018 (Sujit Roy) was appointed with the respondent authorities as Assistant Loco Pilot through RRC on 31.12.1987; the applicant in O.A. No. 1663 of 2018 (Prabir Bhowmik) on 1.7.1988; the applicant in O.A. No. 1664 of 2018 (Dilip Kumar Datta) on 15.3.1988; the applicant in O.A. No. 1665 of 2018 (Bijoy Kumar Sarkar) on 15.3.1988 and the applicant in O.A. No. 1666 of 2018 (Debashis Das) on 15.3.1988 respectively and that private

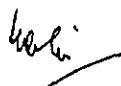
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respondent Nos. 7 and 8 were also appointed as Assistant Loco Pilots but at later points of time.

The applicant were promoted as Loco Pilot Passenger/Motorman (Electrical) on 4.10.2000, 14.9.2001, 15.9.2000, 20.9.2000 and 29.3.2001 respectively whereas private respondent Nos. 7 and 8 were promoted to the said post w.e.f. 27.9.2011 and, surprisingly, the juniors started receiving much higher pay than that of the applicants on account of re-fixation of pay after implementation of Sixth CPC effective from 1.1.2006.

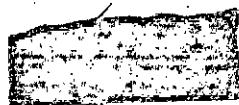
Hence, as the applicants being admittedly senior to the said junior persons are entitled to appropriate fixation vis-à-vis the pay of the juniors by way of stepping up as enjoined under provision in the RS (RP) Rules, 2008, the applicants had preferred representations before the Senior DPO, who is the respondent No. 4, seeking re-fixation and stepping up of pay from the date the juniors had been promoted as Loco Pilot (Pass)/Motorman (Elect.). The representations, however, remained pending and, as submitted by their Ld. Counsel, the applicants would be fairly satisfied if a direction is issued to the respondent No. 4 to dispose of the said representations within a specific time frame.

6. Ld. Counsel for the respondents does not object to the disposal of the representations as per law.
7. Accordingly, without entering into the merits of the matter and, with the consent of the parties, we hereby direct respondent No. 4, who is the Sr. DPO, Howrah, Eastern Railway, to examine the contents of the representations of each of the applicants at Annexure A5/1 and A5/2 respectively and to dispose of the same with a reasoned and speaking order with reference to the provisions of the RS (RP) Rules, 2008 within a period of four weeks from the date of receipt of a copy of this order.



Decisions arrived at be communicated to the applicants forthwith and if the applicants are entitled to any consequent benefits, the said benefits are to be released within a further period of six weeks thereafter.

8. With these directions, the O.A.s are disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member



(Bidisha Banerjee)
Judicial Member

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