

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINIS-  
TRATIVE TRIBUNAL ACT 1986

O.A. No. 350/820 of 2019.

SRI SUDHIR MONDAL, Son of Late  
Sukumar Mondal, working as Commercial  
Inspector Grade-I posting ~~as~~ Environment  
& House Keeping Manager under  
Eastern Railway/HWH, and residing  
at 19, Arabinda Sarani, Bally, P.O.  
& P.S.: Bally, Howrah - 711 205.

..... Applicant.

- Versus -

1. Union of India, through the  
General Manager, Eastern Railway,  
17, N.S. Road, Kolkata - 700 001.

2. The Divisional Railway Manager,  
Eastern Railway, Howrah Division,  
Howrah.

3. The <sup>Sc.</sup> Divisional Commercial Manager,  
Eastern Railway, Howrah Division,  
Howrah.

..... Respondents.

*Sudhir*

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/820/2019

Date of Order: 26.06.2019

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

SUDHIR MONDAL VS. EASTERN RAILWAY

For the Applicant(s): Mr. N. Roy, counsel

For the Respondent(s): Ms. C. Mukherjee, counsel

ORDER (ORAL)

A.K. Patnaik, Member (J):

Heard Mr. N. Roy, Ld. Counsel for the applicant.

2. A copy of this O.A. has been served on Ms. C. Mukherjee, Ld. Counsel appearing for Official Respondents, who is present and heard in extenso.

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

“a) To issue direction upon the respondents to give MACP benefit w.e.f. 1.11.15 to the applicant forthwith.

b) To issue further direction upon the respondents to consider the representation, dtd. 17.12.18 forthwith.

c) Any other order or further order or orders as Learned Tribunal deem fit and proper under the circumstances of the case.

d) To produce Connected Departmental Record at the time of Hearing.”

4. The case of the applicant, in brief, as enumerated by Ld. Counsel is that the applicant is aggrieved due to the fact his prayer for MACP benefit w.e.f 01.11.2015 has not been granted by the respondents. Ld. Counsel submits that the applicant is entitled to the same according to the R.B Circular No. 101 of 2009 and

*N.R.*

as per the report of the Sixth Central Pay Commission, Para No. 6.1.15, which recommended that MACP scheme will be available in the next higher Grade Pay whenever employee has completed 12 years of continuous service in the same grade and the applicant had completed 12 years of service as on 01.11.2015. Ld. Counsel for the applicant submitted that putting forth his grievance, the applicant preferred representation on 17.12.2018 under Annexure-A/6. He has also relied upon Office Memorandum dated 18.02.2015 (Annexure-A/5). Ld. Counsel further submitted that the grievance of the applicant may be redressed if Respondent No. 2 is directed to consider the said representation as at Annexure-A/6 keeping in mind the Office Memorandum (Annexure-A/5) within a specific time frame.

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 as at Annexure-A/6, if the same has been filed and is pending for consideration, keeping in mind the relevant Office Memorandum (Annexure-A/5) 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. It is made clear that if after such consideration the grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks to grant him the benefits of MACP. 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 a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of.  
No costs.

*W. Al*

7. As prayed for by Ld. Counsel for the applicant, **copy of this order, along** with paperbook be transmitted to Respondent Nos. 2 and 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

