

# LIBRARY

## CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No: O.A. 1429 of 2013

Date of order: 22.9.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Shri Ashok Kumar Santra,  
Son of Late Sambhu Nath Santra,  
By faith - Hindu, By Occupation - Service,  
Residing at Village - Bargachia,  
Post Office - Nalikul, District - Hooghly,  
Pin Code - 711 101.

.. Applicant

### - V E R S U S -

1. Union of India,  
Service through the General Manager,  
Eastern Railway,  
17, N.S. Road, Kolkata - 700 001.
2. The Divisional Railway Manager,  
Eastern Railway,  
Howrah - 711 101.
3. Chief Personnel Officer,  
Eastern Railway,  
Howrah - 711 101.
4. Senior Divisional Mechanical Engineer  
(Carriage & Wagon),  
Eastern Railway,  
Howrah - 711 101.
5. Superintendent,  
Carriage & Wagon, Tikiapara,  
Howrah - 711 106.

.. Respondents

For the Applicant : Mr. S. Ghosh, Counsel  
Mr. N. Roy, Counsel

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

### O R D E R (Oral)

#### Per Mr. G. Rajasuria, Judicial Member:

Heard Ld. Counsel for both sides.

2. This O.A. has been filed seeking the following reliefs:-

- "a. An order directing the respondent authorities either to give a promotion in accordance with law or pay the benefits under the "Modified Assured Career Progression" (MACP) Scheme in lieu of the promotion giving retrospective effect along with the interest @ 12% p.a. on the arrear amount;
- b. An order upon the respondent authorities to pay the balance amount of subsistence allowance along with interest @ 12% p.a. forthwith;
- c. An order directing the respondent authorities to rectify the basic pay forthwith in accordance with law;
- d. An order directing the respondent authorities to rectify the quantum of leave and restore in its original numbers;
- e. Any other order or orders as the Tribunal may deem fit and proper;"

3. The Ld. Counsel for the applicant would echo the heart burns of his client to the effect that simply because a criminal case is pending against his client, promotion was denied to him and subsequently MACP benefits also were denied to him.

4. It is also to be noted, that his pay was reduced arbitrarily and his leave account was not maintained properly by the authorities. His representation dated 15.7.2013 evolved no positive response.

Hence this O.A.

5. The perusal of the records would reveal that in the representation dated 15.7.2013 there is no specific ground concerning reduction of his pay scale and also about the non-maintenance of the leave accounts by the authorities.

6. The grievance of the applicant is that promotion was not given to him and that the MACP benefits were not given to him. Ex-facie and prima-facie, it appears, the applicant is not entitled to such benefit in view of the criminal case pending against him. However, the Ld. Counsel for the applicant would submit alternatively that at least

his client's appropriate pay may be paid to him and his leave entitlements be regularised by the respondent authorities, for which there was no proper representation so far made, in our opinion, before the appropriate authority.

Hence the following direction is given,

Within a period of one month from the date of receipt of a copy of this order an appropriate representation setting out the grievance of the applicant be made to the respondent authorities whereupon the respondent authorities shall within a period of two months consider the same and pass a reasoned and speaking order and communicate the same. It is made clear that we have not decided the matter on merits.

7. Ordered accordingly.

(Jaya Das Gupta)  
MEMBER(A)

(G. Rajasuria)  
MEMBER(J)

SP