

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/1071/2016

Date of order : 11.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. N Neihisal, Administrative Member

Sri Sudhir Mondal,
Son of Late Sukumar Mondal,
Working as B.S.-1, Baichi,
E. Rly
and residing at 19, Arabinda Sarani,
Bally, Durgapur, P.S. Bally,
Howrah – 711 205.

..... Applicant.

Versus

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 Division,
Howrah – 711 001.
3. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah Division,
Howrah – 711 001.
4. The Senior Divisional Commercial Manager,
Eastern Railway,
Howrah.
5. The DOM
Eastern Railway, Howrah.

..... Respondents.

For the applicant : Mr. N. Roy, counsel

For the respondents : Mr. A.K. Guha, counsel

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

The applicant was employed in the Eastern Railway. In the year 2003 he was working as Booking Supervisor II. Vide order dated 01.11.2003 he was promoted to the post of Booking Supervisor -I in the scale of Rs.5500-9000/-. Earlier, he filed O.A.No.276/2015 before this Bench claiming a sum of Rs. 1100000/- and for disposal of his representation. The O.A. was disposed of on 31.03.2015 directing the respondents to pass a reasoned order within 2 months from the date of receipt of the order. Accordingly, an order was passed on 20.07.2015 stating the reasons as to how, the various claims made by the applicant are not tenable. This O.A. is filed challenging the order dated 20.07.2015. Apart from that, the applicant prayed for direction to the respondents to pay a sum of Rs.1100000/- with interest from the due date and for extending the benefit of pay scale of 6500-10500 with effect from 01.11.2003.

2. The respondents filed counter affidavit opposing the O.A. It is stated that the impugned order was passed in compliance of the directions of the Tribunal. They state that the applicant is not entitled to be paid the sum of Rs.1100000/- and the reasons for rejection of the



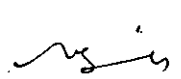
claim have already been mentioned. As regards the claim for scale of pay of Rs.6500-10500, it is stated that the benefit was in fact extended to him with effect from 01.11.2003 as a result of the restructuring of the cadre and a sum of Rs.31,623/- was also paid towards arrears. Various contentions, advanced in the O.A. are dealt with in detail and it is stated that the applicant is not entitled to any relief.

3. We heard Mr. N. Roy, learned counsel for the applicant and Mr. A.K. Guha, learned counsel for the respondents.

4. The first prayer of the applicant is for a direction for payment of Rs.1100000/-. It appears that the applicant was transferred from one place to another and by pleading that the allowances and other components of salary are different in two places, a claim is made for Rs.1100000/-. Not only in the impugned order but also in the counter affidavit detailed reasons are furnished as to how the applicant is not entitled to the said claim. Record also discloses that the applicant was absent from duties for a considerable length of time. The applicant did not cite any provisions of law, in support of his claim. We find it almost imaginary. Therefore, we reject the claim made in this behalf.

5. So far as the claim for the pay scale of Rs.6500-10500/- is concerned, the respondents have stated in their counter affidavit as under:-

"That with regards to the statements made in paragraph 4.2 of the said application it is stated that the as per Service Record of Sri Sudhir Mondal it is found that he was promoted as BS1/HMZ in Pay Scale Rs: 6500-10500/-(Equivalent to GP Rs. 4,600/-) w.e.f. 01-11-03.



It is also noticed that an arrear bill of Rs.31623/- regarding due payment for restructuring was charged in favour of Sri Mondal, in the month of August, 2008.

Hence question of non-payment regarding promotion to higher grade i.e. Booking Supervisor-I does not arise."

6. From the above it is clear that the respondents have already extended the benefit of the said pay scale and paid the arrears. No rejoinder is filed taking exception to this, pointing out insufficiency.

7. We do not find any merit in the O.A. and accordingly it is dismissed. There shall be no order as to costs.

(N. Neihsia)

Administrative Member

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(Justice L. Narasimha Reddy)
Chairman