

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/1721/2015

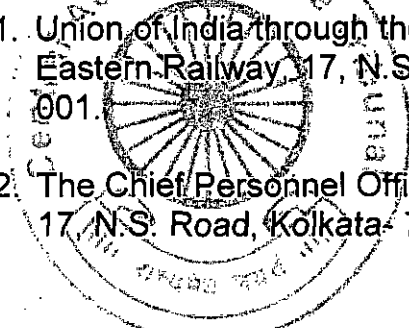
Date of order: 19.07.2019

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

Sri R. N. Sarkar, son of late Anil Kumar Sarkar, aged about 68 years, Retd. Section Engineer, Drawing Section under Deputy Chief Engineer Construction- II, Eastern Railway, Sealdah, residing at 61, Raimohan Banerjee Road, Kolkata Pin- 700108.

.....Applicant.

-versus-

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1. Union of India through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
 2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
 3. The Chief Administrative Officer(Construction), Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
 4. The Dy. Chief Engineer (Con)/II, Eastern Railway, RMS Building, Sealdah, Pin- 700014.

.....Respondents.

For the Applicant : Mr. S. K. Dutta, Counsel

For the Respondents : Mr. N.D. Bandyopadhyay, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Id. Counsel for both parties.

2. This application was filed to seek the following reliefs:

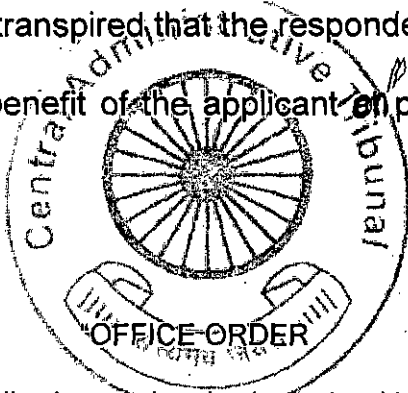
"8(a) An order holding that the promotion of the applicant as Section Engineer treating Shri Pradip Kumar Das of Howrah Division as his immediate junior instead of Shri P. K. Sarkar of Sealdah Division as his immediate junior although the applicant's lien was in Sealdah Division are arbitrary, illegal and unsustainable in law and accordingly, the order dated 15.5.2013 is unsustainable.

(b) An order directing the respondents to grant benefits of promotion as PWI-1 subsequently re-designated as Section Engineer notionally in terms of order of this Hon'ble Tribunal in O.A. No. 899 of 2009 at par with his erstwhile immediate junior Shri P.K. Sarkar of Sealdah Division of Eastern Railway and also directing them to grant the applicant all subsequent benefits at par with Shri P. K. Sarkar with all consequential benefits including difference of pay and allowances and enhanced post retirement benefits with arrears and interest.

(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. At hearing it transpired that the respondents were already issued an order granting the benefit of the applicant on par with Sri P. K. Sarkar which reads as under:



The following order is issued with the approval of CPO/E. Rly/Kolkata duly vetted by associated Finance.

The pay of Sri R. N. Sarkar, ex. SSE/Con/P.Way, PF No. P814701 retired on 30.11.2007 working under Dy. CE/Con/II/SDAH/E. Rly is refixed as under in reference to the pay of Sri. P. K. Sarkar ex.SSE/P.Way working under DRM/E. Rly/SDAH.

SN	Pay	Scale	w.e.f	SN	Pay	Scale	w.ef.	Remarks
1.	2200	1600- 2660	01.01.94	1	-----	-----	-----	
2.	2250	-do-	01.01.95	2	2250	1600- 2660	01.01.95	
3.	2300	-do-	01.01.96	3	2300	2000- 3200	26.05.95	Benefit of refixation of pay to be granted on proforma basis

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4.	7075(a) s per 5 th CPC (RSRP) 5500- 9000/-	5500- 9000/-	01.01.96	4	7100 7300	6500- 10500 -do-	01.01.96 01.05.96	as Sri. R. N. Sarkar did not shoulder higher responsibility. The placement in Rs. 6500-10,500/- w.e.f. 25.08.2000 was granted under ACP Scheme.
5.	7250	-do-	01.01.97	5	7500	6500- 10500	01.05.97	
6.	7425	-do-	01.01.98	6	7700	-do-	01.05.98	
7.	7600	-do-	01.01.99	7	7900	-do-	01.05.99	
8.	7775	-do-	01.01.2000	8	8100	-do-	01.05.20 00	
	8100	6500- 10500/-	25.08.2000		---	---	---	
9.	8300	-do-	01.08.2001	9	8300	-do-	01.05.20 01	
10.	8500	-do-	01.08.2002	10	8500	-do-	01.05.20 02	
11.	8700	-do-	01.08.2003	11	8700	-do-	01.05.20 03 to 31.10.20 03	
12.	8900	-do-	01.08.2004	12	9025	7450- 11500/-	01.11.20 03	
13.	9100	-do-	01.08.2005	13	9250	-do-	01.11.20 04	
				14	9475	-do-	01.11.20 05 to 31.12.20 05	
14.	21530	9300- 34800 GP Rs.	01.01.2006	15	22230	9300- 34,800/-	01.01.20 06	Benefit to be granted on actual basis as the SC 6500-10500 & 7450-11500/-

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		4600/-						merged into one GP to Rs. 4600 in PB-2 as per 6 th CPC.
15	22180	-do-	01.07.2006	16	22900	-do-	01.07.2006	
16	22850	-do-	01.07.2007	17	23590	-do-	01.07.2007	

Necessary action for revision of pension and other settlement dues may please be taken urgently.

Arrears arising out of re-fixation of pay on actual basis may also be paid to Sri Sarkar immediately.

(P.Chattopadhyay)
SPO/Con.
For CAO/Con/ER/Kolkata"

4. Since the grievance seems to be redressed already and nothing remains to be adjudicated in the matter, we disposed of the OA as infructuous.

5. In case, if the applicant is further aggrieved, he shall be at liberty to prefer the representation.

6. Accordingly, OA is disposed of as infructuous.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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