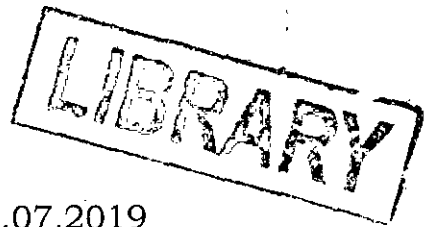


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/628/2019

Date of order: 15.07.2019

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member

Sri Monojit Roy, son of Mr. Panchkari Roy, working as Office of Superintendent, in the office of SSE, Eastern Railway, P.Way, Bandel, Residing at Olaichanditala, P.O. & Dist. Hooghly, Pin-712103.

.....Applicant

-versus-

1. Union of India, through the General Manager, Eastern Railways, Ministry of Railways, 27, N.S. Road, Kolkata- 700 001.
2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
3. The Divisional Railway Manager, Eastern Railway, Howrah- 711101.
4. The Sr. Divisional Personnel Officer, Divisional Personnel Officer, Eastern Railway, Howrah- 711101.
5. Sr. Divisional Elect. Engineer (OP)/(TRS), Eastern Railway, Howrah- 711101.
6. Divisional Finance Manager, Eastern Railway, Howrah- 711101.
7. Sr. Divisional Engineer (Coordination), Eastern Railway, Howrah- 711101.

.....Respondents.

For the Applicant : Mr. B. R. Das, Counsel
Ms. S. Paul, Counsel

For the Respondents : Mr. S. Bhattacharya, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

This application has been preferred by the applicant to seek the following reliefs:

“8(i) Rescind, recall, withdraw the order being Annexure A1 and allow refixation of pay of the petitioner by way of;

(a) Treating the petitioner as to have opted for promotion to the post of Loco Pilot (Goods) with effect from the date of promotion i.e. 10.04.2008.

(b) Allow the petitioner next increment in the promotional post of Loco Pilot (Goods) in scale of pay of Rs. 9300-34,800/- G.P. Rs. 4200/- on 01.07.2008.

(c) Fix the pay of petitioner in the promotional post in scale of pay of Rs. 9300-34,800/- G. P. Rs. 4200 in accordance with the Rules FR- 22 (I)(a)(I) read with Rule- 13 of RSRP Rules, 2008.

(ii) Amend/modify the order being Annexure A4 so as to refix the pay of the petitioner upon decategorization and appointment as Head clerk w.e.f. 01.12.2010.

(iii) Pay all the arrears arising out of (i) and (ii) above with appropriate interests thereupon, forthwith.

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

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

(vi) Costs.”

2. Heard Id. Counsel for both sides.

3. On the earlier occasion i.e. 18.06.2019, Id. Counsel for applicant had submitted that one Shiggul Pandit, the applicant in OA. 1539/2017 was granted appropriate pay re-fixation and the applicant being identically circumstanced to the said applicant Shiggul Pandit, his pay ought to have been revised in the same manner as accorded to Shiggul Pandit.

4. Ld. Counsel for respondents was directed to take instructions whether the said Sri Shiggul Pandit, was granted benefits in terms of the order passed by this Tribunal. Upon instructions he would submit that Sri Shiggul Pandit, have been granted the benefits of revision and in support thereof he would produce a communication dated 08.07.2019 from Asstt. Personnel Officer -III, Eastern Railway, Howrah, which reads as under:

“ Sub: OA No. 350/628/19 at CAT/Kolkata
Sri Monojit-Roy

-vs-

Union of India & Others

Ref: Compliance of Ld. Tribunal order dated
18.06.2019.

Reference above, it has been directed by Ld. Tribunal dated 18.06.2019 to the Railway Respondent as under:

“Ld. Counsel for the respondents to take instructions whether Sri Shiggul Pandit, the applicant in OA. 1539/2017, was granted the benefit of the order dated 25.04.2018 as issued by the Tribunal and approached the order to that effect.”

Accordingly, it is to inform that in pursuance to the Hon'ble CAT/CAL order dated 25.04.2018 arising out of O.A. No. 350/01539/2017 the pay of Sri Shiggul Pandit has been revised by the Railway Authority by issuing office order vide No. E/5/TRS/1/LPP/HWH dated 02.08.2018 which has been duly vetted by Associate Accounts department/Howrah. Copy of said office order is enclosed in 01 page.

More over, as per record, it is to note that after implementation of the said order, the applicant Sri Shiggul Pradit did not move to any higher forum for his dissatisfaction. Hence, it reaches finality at this stage.

In view of the above, it is requested to take appropriate step for appraisal of Hon'ble CAT/Kolkata from your end."

5. Since it is not disputed by the respondents that the applicant is identically circumstanced to Sri Shiggul Pandit and having noted that the representation of the applicant is pending since 2014 and no complicated question of law needs to be decided, I dispose of the OA with a direction upon the Sr. DPO or any other competent authority to consider the representation and grant appropriate benefits to the applicant on par with Sri Shiggul Pandit, within a period of 2 months from the date of communication of this order.

6. Accordingly, OA stands disposed of. No costs.

The communication dated 08.07.2019 is taken on record.

(Bidisha Banerjee)
Member (J)

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