



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

O.A. No. 350/1082 of 2019

1. SRI PRADIP KUMAR RAHA, Son
of Late Shibapada Raha, by
faith-Hindu, by occupation -
Retired from service under
Eastern Railway/Sealdah Divi-
sion Ex.-Senior Section Engin-
eer/~~C&N~~/Chitpur, and residing
at 121/9, Main Road, West Ward No.6,
Bagan, New Barrackpore,
Kolkata - 700 131.

2. SRI SUBHASIS BASU, Son of Sri
Satyendra Nath Basu, by faith-
Hindu, by occupation - Working
~~under Eastern Rail-~~
way/Sealdah Division as Senior
Section Engineer/C&N/SDAH under
Sr.DME/C&N/SDAH, and residing at
Santoshpur Co-operative Colony,
P.O.: Bidhangarh, Kolkata-700 066.

..... Applicants.

- Versus -

1. UNION OF INDIA, through the
General Manager, Eastern Railway,
17, N.S. Road, Kolkata - 700031.
2. THE DIVISIONAL RAILWAY MANAGER,
Eastern Railway, Sealdah Division,
Sealdah, Kolkata - 700 014.
3. THE SENIOR DIVISIONAL PERSONNEL
OFFICER, Eastern Railway, Sealdah
Division, Sealdah, Kolkata - 700 014.
4. THE SENIOR DIVISIONAL FINANCE
MANAGER, Eastern Railway, Sealdah
Division, Sealdah, Kolkata-700 014.

..... Respondents.

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA/350/1082/2019
MA 613/2019

Date of Order: 29.08.2019

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

Pradip Kumar Raha & Anr.Applicants

Vrs.

Union of India & Ors.Respondents

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

For the Respondent(s): Mr. K.N.Bandyopadhyay, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

This application has been filed to seek the following reliefs:

"a) To issue direction upon the respondent authorities to consider the representation 8.4.19 in 3rd financial upgradation to the applicants forthwith;

b) To issue further direction upon the respondent authorities to pay 3rd financial upgradation MACP to the applicants forthwith;

c) To produce Connected Departmental Record at the time of Hearing;

d) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case;

e) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT Procedure, 1987."

2. Ld. Counsel for the applicants, at hearing, would submit that applicants, who have retired as Senior Section Engineer since 2013, are aggrieved due to non-consideration of their case for granting 3rd Financial Upgradation under MACP Scheme although they had put in more than 30 years of regular service before their retirement. The submission of Ld. Counsel is that since the applicants were

regularly appointed in the year 1982, they are entitled for 3rd MACP benefits after completion of 30 years of regular service. He would fairly submit that the grievance of the applicants may be redressed if their common representation dated 08.04.2019 (Annexure-A/7 to this O.A.), which is pending before the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah Division (Respondent No. 3), is considered and disposed of in a specific time frame.

3. Ld. Counsel for the Respondents, on the contrary, took preliminary objection with regard to the limitation as the applicants have retired in the year 2013 and have come up before this Tribunal in the present O.A. in 2019 to seek 3rd MACP.

Since, the 3rd MACP would inure to higher pensionary benefits of the applicants, the objection of the respondents cannot be allowed to sustain.

4. Having heard Ld. Counsels for both the parties and without going into the merits of the matter, we would direct the Respondents, more particularly Respondent No.3, to consider the pending representation of the applicants as at Annexure-A/7 to this O.A. in accordance with law and issue a reasoned and speaking order within a period of eight weeks from the date of receipt of a copy of this order.

5. The O.A. is disposed of accordingly. M.A.No. 613/2013 also stands disposed of. There shall be no order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)