CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 1535 of 2019 Date of order: 10.2.2020

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

DIPALI SAHA

VS.

UNION OF INDIA & ORS. (Posts)
SUJIT KUMAR GHOSH

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

> " An order do issue directing the respondents to step up the pay of the applicant at par with the Private Respondents in the post of Sr. Accountant and to grant arrears."

2. Heard Ld. Counsel for both parties, examined documents on record. This matter is taken up for disposal at admission stage.

3. The submissions of the applicant, as conveyed through her Ld. Counsel, is that the applicant is working as a Sr. Accountant in the office of Respondent No. 3 but, that, private respondent No. 4, although junior to the applicant in the post of Sr. Accountant, is drawing more pay than the applicant despite the applicant's seniority. That, the applicant and the private respondent were placed on a single gradation list and their

seniority was determined on the basis of appointment as Senior Accountant (Annexure A-1 to the O.A.). It would, however, transpire from a comparative chart at Annexure A-2 to the application, that the private respondent is drawing higher pay than the applicant concerned.

The applicant had represented on 25.7.2019 (Annexure A-3 to the O.A.) requesting for stepping up of pay with reference to her junior in the same cadre, but, as the respondent authorities have not responded favourably to his representation, and, being aggrieved, the applicant has approached this Tribunal praying for the above noted relief.

Ld. Counsel for the applicant would submit that her claim is fortified by the decisions of the Hon'ble High Court at Calcutta dated 7.12.2011 in WPCT No. 224 of 2010 ***(Shyamapada Roy & ors. v. Union of India & ors.)***, read with orders dated 10.12.2014 in CPAN. No. 1501 of 2014 in WPCT No. 224 of 2010 ***(Shyamapada Roy & ors. v. P.C. Gajbiye & ors.)*** and, that, she would seek liberty to file a comprehensive representation after adducing relevant judicial pronouncements in support.

4. Ld. Counsel for the respondents would submit that the respondents would be inclined to dispose of her representation dated 25.7.2019, which is pending for consideration with the respondent authorities.

5. As the Ld. Counsel for the applicant, however, would seek to strengthen her representation by citing judicial pronouncements in support, we would allow the applicant to withdraw this O.A. and to prefer a comprehensive representation citing relevant judicial decisions as well as rules and regulations in support of her claim within a period of 4 weeks from the date of receipt of a copy of this order.

In the event such representation is received by the concerned respondent authority, the said respondent authority, shall, within a period of 8 weeks thereafter, examine and decide in accordance with law and convey his decision to the applicant in the form of reasoned and speaking order.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP