

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 350/01673/2019

Date of order: 27.1.2020

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

Sri Tapas Kumar Das,  
Son of Lt. T. Das,  
Retired from service as  
AEE/M, PPO No. C/Eng./17616/2014,  
And residing at West Wind,  
Flat No. : 3B, Block - 6,  
78, Raja S.C. Mallick Road,  
Kolkata - 700 084.

.... Applicant

- V E R S U S -



1. Union of India,  
Through the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 001.
2. The Chief Engineer/Head Quarter,  
Ministry of Defence,  
Army HQ,  
Kashmir House,  
New Delhi - 110 011.
3. The Chief Engineer HQ,  
Eastern Command,  
Engineering Branch,  
Fort William,  
Kolkata.

... Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. R. Halder, Counsel

**ORDER (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:-

- “(a) To issue direction upon the respondent authorities consider representation, dtd. 26.9.18 for 2<sup>nd</sup> Financial upgradation benefit to the applicant forthwith;
- (b) To issue further direction upon the respondent authorities to give the pay fixation as per Second ACP with effect from 1.4.01, vide order, dtd. 1.3.12 has not been finalized till date, the applicant affecting for all financial benefit be given forthwith;
- (c) To issue further direction upon the respondent authorities to give the second financial upgradation benefit, vide order, dtd. 22.11.11 followed by 1.3.12 to the applicant forthwith;
- (d) Leave encashment, arrear payment along with other service benefit to the applicant forthwith;
- (e) All consequential benefit along with delayed payment of interest 10% forthwith;
- (f) Any other order or further order or orders as your Lordships may deem fit and proper under the circumstances of the case;
- (g) To produce connected departmental records at the time of hearing.”

2. Ld. Counsel for the applicant is present and heard. As there is no representation on behalf of the respondents, Shri R. Halder, Ld. Counsel, who usually appears for the Ministry of Defence, volunteers to obtain instructions in this matter, if so required.

3. Ld. Counsel for the applicant would submit that the applicant has superannuated from service on 31.1.2013 and, that, his second financial upgradation along with consequential benefits including leave encashment have not been disbursed to him without any cogent reason. The applicant represented on 26.9.2018, but, as no response was forthcoming from the respondents, being aggrieved, the applicant has approached this Tribunal for relief.

*h.w.*

Ld. Counsel for the applicant would urge that the applicant would be fairly satisfied if a direction is issued to the competent respondent authority to dispose of his representation in a time bound manner.

4. Mr. R. Halder, Ld. Counsel, who is present on behalf of the respondents, does not object to such consideration in accordance with law.

5. Accordingly without entering into the merits of the matter, and, with the consent of the parties, we hereby would direct the competent respondent authority to dispose of such representation, if received at his end, and, in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. The competent authority will communicate his decision to the applicant thereafter in the form of a reasoned and speaking order.

In case of a favourable decision, consequential benefits to which the applicant is entitled, should be released within a further period of 12 weeks therefrom.

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



**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**(Bidisha Banerjee)**  
**Judicial Member**

**SP**