

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 041/00095/2020

Date of Order: This, the 26th Day of June, 2020

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER



Shri Anukul Barman
Lower Division Clerk
Kailashahar Sub Division
Brahmaputra Board, Kacharghat
Kailashahar, Dist – Unakoti
Tripura, Pin – 799277.

... Applicant

- Versus -

1. Union of India
Represented by the Secretary
Ministry of Water Resources
New Delhi, Pin – 110001.
2. Brahmaputra Board
Represented by the General Manager
Brahmaputra Board, Basistha
Guwahati – 29.
3. The Secretary
Brahmaputra Board, Basistha
Guwahati – 29.
4. Executive Engineer
Brahmaputra Board, Agartala Division
Ramnagar – 7, Agartala
Tripura, Pin – 799002.

Respondents

OA.040/00095/2020

For the Applicants: Sri U.K.Nair, Sr counsel assisted by Ms N.Shyamal

For the Respondents: Sri R.Hazarika, Addl. C.G.S.C.

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):

The matter has been taken up through video conferencing.



2. By this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants are seeking following relief(s):-

“8.1 That the Hon’ble Tribunal be pleased to declare that the impugned letter dated 04.04.2012 as void ab initio.

8.2 That the Hon’ble Tribunal be pleased to direct the respondents to re-fix the pay of the applicant w.e.f. the date of his next increment i.e. w.e.f. 01.07.2010 on which date the applicant was due for his annual increment, upon grant of 2nd MACP w.e.f. 18.06.2010, in terms of Para 7 of Annexure 1 of the MACP Scheme dated 19.05.2009 with all consequential benefits including arrear monetary benefits with arrear @ 12% p.a.

8.3 Any other relief or reliefs as the Hon’ble Tribunal may deem fit and proper, including the cost of the case.”

3. Sri S Nath, learned counsel for the applicant submitted that applicant is working as LDC in Kailashahar Sub Division Brahmaputra Board, Kacharghat, Kailashahar, Tripura. He was granted 2nd MACP w.e.f. 18.06.2020 by order dated 08.07.2011 in the grade pay of Rs.2800/-. According to the learned counsel, in the said order dated 08.07.2011 there is no mention of any option clause for pay fixation either from the date of upgradation or from the date of upgradation or from the next increment whereas the Government of India DOPT OM dated 10.08.2007 has instructed that the option clause may be incorporated in the promotion order. Learned counsel for the applicant submitted that as a result of no option in the order dated 08.07.2011, the applicant has been denied one increment 2.e.f. 01.07.2010 thereby he is suffering huge financial loss in each and every month giving rise to continuous cause of action.

4. Sri R Hazarika, learned counsel appearing for the respondents submitted that since the representation of the applicant is pending, the same may be directed to be disposed of.



5. In view of the above, without going into the merits of the case we direct the applicant to produce the copy of the OA before the respondent no.3 from the date of receipt of this order. On receipt of the same the respondent no.3 shall treat the copy of the OA as a comprehensive representation of the applicant and dispose of the same, as per rules within a period of three months thereafter. Needless to mention the order to be passed shall be reasoned and speaking one and be communicated to the applicant forthwith.

6. The OA is disposed of as above at the admission stage itself



(N. NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

/BB/

