

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/00169/2017

Date of order: 20.11.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Ananda Pal,
Son of Late Shibanth Pal,
Residing at P.O. Khalisadi,
P.S Haroa,
District - North 24 Parganas,
Pin 743425.

--Applicant

-vs-

1. The Union of India,
Represented by its Secretary,
Ministry of Defence,
Department of Defence Production,
South Block,
New Delhi - 110011.
2. The Director General Indian Ordinance
Factories,
Ordinance Factory Board,
Ayudh Bhawan,
Ministry of Defence,
10A, Shaheed Khudiram Bose Road,
Kolkata - 700001.
3. The Director,
Head Quarter,
Govt. of India, Ayudh Bhawan,
Ministry of Defence,
Ordinance Factory Board,
10A, Shaheed Khudiram Bose Road,
Kolkata - 700001.
4. The Chairman,
Indian Ordinance Factory Board,
Ayudh Bhawan,
Ministry of Defence,
10A, Shaheed Khudiram Bose Road,
Kolkata - 700001.

--Respondents

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For the Applicant : Mr. B.R. Das, Counsel
Mr. K.K. Ghosh, Counsel

For the Respondents : Mr. T.K. Chatterjee, 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) An order quashing or setting aside the OM dated 16.11.2016, being the Annexure "A-21" reinstate the applicant herein in his previous post i.e LDC cadre upon granting previous grade pay of Rs. 1900/- upon giving effect to the ratio of the judgment passed by the Hon'ble Central Administrative Tribunal, Calcutta Bench in O.A No. 350/00965/2014 and the judgement passed by the Hon'ble High Court at Calcutta in W.P.C.T. No. 153 of 2016.

b) An order quashing and/ or setting aside the OM dated 29.10.2012 letter dated 03.04.2013 Part - II order dated 03.04.2013 vide Annexure "A-9" and "A-12" to the application and all other consequential orders including refixation of pay of the applicant in the post of MTS.

c) An order directing the respondents to restore the status of the applicant as Lower Division Clerk from the date it was withdrawn by way of impugned amendment and to grant him all consequential benefits including difference of pay and allowances, seniority in the post of LDC ignoring such amendment etc upon giving effect to the order dated 15.10.2015 passed in O.A No. 350/00965/2014 by the Hon'ble Central Administrative Tribunal, Calcutta Bench being Annexure "A-17" and order dated 28.07.2016 passed in W.P.C.T. No. 153 of 2016 by the Hon'ble High Court at Calcutta being Annexure "A-18".

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

3. Both Ld. Counsel would agree that this application may be disposed of in accordance with similar directions as issued in **O.A. No. 350/01159/2017 (Sanjib Kumar Hela v. UOI & ors.)** dated 5.3.2020.

4. It is noted that the earlier representation dated 10.8.2016 (Annexure A-20 to the O.A.) stands rejected as on 16.11.2016 (Annexure A-21 to the

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O.A.). Hence, the applicant is permitted to prefer a comprehensive representation to the competent respondent authority, annexing relevant judgments and documents that he wishes to cite, within a period of 4 weeks from the date of receipt of a copy of this order. In the event such representation is preferred, the competent respondent authority shall consider the same in the light of the decisions cited in accordance with law and pass appropriate reasoned and speaking orders within a period of 4 months from the date of receipt of such representation. In the event the applicant deserves the relief as prayed for, the same shall be accorded within that period.

5. It is made clear that I have not entered into the merits of the matter and therefore all issues as raised in the representation shall be open for consideration of the respondent authorities.

6. The O.A. accordingly stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP