

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/553/2020
MA. 350/340/2020

Date of order: 14.08.2020

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

1. Sri Chandan Sarkar, son of late Netai Sarkar, aged about 52 years, working for gain as Elect. (SK), MES/208574, office of the AGEE/M, Ishapore, under Garrison Engineer (1), (Fy.) Ishapore, and residing at 90/A, Anandamath, P.O. Ishapore, Nawabganj, P.S. Noapara, Dist- 24 Parganas(N), Pin- 743144.
2. Sk. Pintu, son of late Sk. Hanu, aged about 50 years, working for gain as Chowkidar, MES/208561, office of the AGE under Garrison Engineer(1) (fy.), Ishapore at present at Yogipara, A.C. North Street, P.O. Ishapore, Nawabganj, dist- 24 Parganas (N), Pin- 743144.
3. Shri Dilip Kumar Rajak, son of late Jiya Lal rajak, aged about 56 years, working for gain as Mate (Painter), MES/208622, C/o BSO, Barrackpore at present residing at No. 18, Lokmahal, orderly Bazar, P.O. Barrackpore, Dist- 24 Parganas (N), Kolkata- 700120.



.....Applicants.

-versus-

1. The Secretary, Government of India, Ministry of Defence, South Block, New Delhi- 110001.
2. Col. R. Ravi, Commander Works Engineer (Suburb), Barrackpore, Kolkata- 700120.

3. Chandi Charan Chatterjee (SAO), G. E. (1)(P)
Fy. Ishapore, P.O. Ishapore Nawabganj,
Dist- 24 Parganas (N), Pin- 743141.
4. Arindam Biswas (SAO), GE Barrackpore,
Kolkata- 700120.
5. HQ Chief Engineer, Kolkata Zone,
Gurusaday Road, Kolkata- 700019.

.....Respondents.

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : None

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard 1d. Counsel for applicant. None appears on behalf of the respondents despite service. Hence, we invoke Rule 16(1) of CAT (Procedure) Rules, 1987 and dispose of the matter.

2. This OA has been filed to seek the following reliefs:

8(a) to issue direction upon the respondents and their men and agents to comply with the decision for grant of arrears of pay and allowances with effect from 08.03.1999 as per Speaking Order dated 26.07.1993;

(b) to issue further direction upon the respondents and their men and agents to comply with the speaking order dated 26.07.2019 forthwith;

(c) to grant and pay the interest for the delayed payment and arrears @ 8% per annum;

(d) Any other order or orders as the Hon'ble Tribunal deem fit and proper."

3. At hearing, ld. Counsel for applicant places the speaking order dated 25th Sep, 2019 as contained in Annexure A-4 to the OA which says as under:

"3. In compliance of Hon'ble CAT Kolkata Bench order 10 Jul, 2019, your representation for grant of seniority w.e.f 08 Mar 1999 has been reconsidered incorporating the CAT Kolkata Bench order dated 04 Apr 2019 under OA. 350/637/2015 being similarly circumstanced to those of the applicants and following emerges:-

(a) Personal hearing was held on 24 Aug 2019.

(b) The date of appointment of Shri Manoj Kumar Rajak is 21 Jul 1993, anti date of seniority will be fixed w.e.f. 21 Jul 1993. Arrear, if any, will be applicable as per actual date of appointment.

(c) In the revised seniority list your name has been established in serial 41 and approved by the undersigned.

(d) Part II order to this effect being published and any bill regarding arrears of pay and allowances for the period from 08 Mar 1999 will be prepared and paid duly audited by the respective Audit Authority.



4. Ld. Counsel for applicants submits that the applicants are aggrieved that till date the arrears have not been released. He also submits that the applicants would be satisfied if a direction is given to the Commander Works Engineer (Suburb) i.e. respondent no. 2 to dispose of the pending representation of the applicants as contained in Annexure A-7 of this OA which is jointly preferred by the applicants, in a time bound manner.

5. Accordingly, we dispose of the OA with a direction to the respondents to consider the representation and extend the benefits to the applicants, if they are otherwise eligible, with arrears in accordance with law, within a period of 3 months.

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6. The present OA accordingly stands disposed of. No costs.
MA also stands disposed of.

(Dr. Nandita Chatterjee)
Member (A)
pd

(Bidisha Banerjee)
Member (J)

