

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No.O.A. 350/00365/2020

Date of order: 26.6.2020

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

Shri Nirmal Kumar Dubey,
 Son of Late Rama Shankar Dubey,
 Aged about 49 years,
 Residing at Flat No. 305,
 Block - G,
 Panchasil Apartment,
 493/B/1, G.T. Road, (South),
 Howrah,
 Pin - 711 102,
 And working to the post of
 Assistant Director (Implementation),
 Department of Official Language in the
 Office of the
 Regional Implementation Office (East),
 234/4, A.J.C. Bose Road,
 Nizam Palace,
 18th Floor,
 Kolkata - 700 020.



... Applicant

- V E R S U S -

1. Union of India,
 Service through the Secretary,
 Government of India,
 Central Hindi Directorate,
 Ministry of Human Resource Development,
 Department of Secondary & Higher Education,
 West Block - VII,
 Rama Krishna Puram,
 New Delhi - 110 066.
2. The Secretary,
 Government of India,
 Ministry of Home Affairs,
 Department of Official Language,
 NDCC-II (New Delhi City Centre),
 Building, 'B' Wing, 4th Floor,
 Jai Singh Road,

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New Delhi - 110 001.

3. The Director,
 Central Hindi Directorate,
 Ministry of Human Resource Development,
 Department of Secondary & Higher Education,
 West Block - VII,
 Rama Krishna Puram,
 New Delhi - 110 066.

4. The Deputy Director (Implementation),
 The Regional Implementation Office (East),
 234/4, AJC Bose Road,
 Nizam Palace,
 18th Floor,
 Kolkata - 700 020.

... Respondents



For the Applicant : Mr. P.C. Das, Counsel
 Ms. T. Maity, Counsel

For the Respondents : None

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved at non-receipt of Grade Pay of Rs. 5400/- w.e.f. 6.2.2009, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- (a) To pass an appropriate order directing the concerned respondents to grant the Grade Pay of Rs. 5400/- under 1st ACP Scheme with effect from 06.02.2009 instead of Grade Pay of Rs. 4800/- in favour of the applicant considering upon your applicant's 1st upgradation under MACP with effect from 01.09.2008 along with all consequential benefits by granting the Grade Pay of Rs. 5400/- with effect from 06.02.2009.
- (b) To declare that in view of the judgment and order dated 14.2.2017 passed by the Hon'ble High Court of Judicature of Madras in Writ Petition No. 33946 and 27798 of 2014 in the case of Union of India & ors. v. S. Ranjit Samuel & ors. the applicant is entitled to get the Grade Pay of Rs. 5400/- under 1st ACP Scheme with effect from 06.02.2009 along with all consequential benefits instead of Grade Pay of Rs. 4800/- of 1st MACP Scheme.
- (c) To pass an appropriate order directing the concerned respondents to the consequential arrears after granting the Grade Pay of Rs. 5400/- with effect from 06.02.2009 in term of the judgment and order dated 14.2.2017 passed by the Hon'ble High Court of Judicature of Madras in Writ Petition Nos. 33946 and 27798 of 2014 in the case of Union of India & ors. v. S. Ranjit Samuel & ors. within a specific time."

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2. The case of the applicant, in brief, is that the applicant had joined the office of the respondent authorities as Evaluator (Bangla) on 6.2.1997. Thereafter, the applicant, who had completed his 12 years of qualifying service for Career Progression under ACP on 06.02.2009, was granted his MACP w.e.f. 1.9.2008, and vide orders dated 20.5.2010 it was directed that upgradation benefits would be granted to the applicant under MACP in the Grade Pay of Rs. 4800/- instead of granting ACP in the grade pay of Rs. 5400/-.

That, vide orders dated 11.3.2013, the applicant was absorbed on permanent basis as Research Officer (Implementation) with the respondent authorities, and, further, vide Office Order dated 5.6.2014, the post of Research Officer (PB - 2 + Grade Pay Rs. 4800/-) in the Central Hindi Directorate was merged with the post of Assistant Director (Language) (Group-A) by upgrading the post of Assistant Director (Language) (PB-3 + Grade Pay Rs. 5400/-). His pay fixation was thereafter made in the revised pay level w.e.f. 1.1.2016 vide Office Order dated 16.8.2016, and, he received his second financial upgradation under MACP vide 9.8.2017.

The applicant, thereafter, submitted a representation dated 23.3.2018 praying for grant of Grade Pay of Rs. 5400/- under 1st ACP w.e.f. 6.2.2009. According to the applicant, his prayer is supported by the ratio contained in the judgement and order of the Hon'ble High Court of Judicature in Madras in Writ Petition No. 32682 and 32683 of 2014 (Union of India & ors. v. S. Ranjit Samuel & ors.).

Aggrieved by the irreparable loss and injury due to non-receipt of grade pay of Rs. 5400/- w.e.f. 6.2.1999, the applicant would pray that a direction be issued on the respondent authorities to dispose of his representation in a time bound manner.

3. Although Affidavit of Service is on record, none appears to represent the respondents. Hence, Rule 16 (1) of the CAT (Procedure) Rules, 1987 is invoked.

4. We of the considered view that, at the outset, the respondents should decide on the pending representation, prior to any adjudication of the matter. Hence, in the interest of justice, and, without entering into the merits of the matter, we hereby

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direct the competent respondent No. 3, who is the Director, Central Hindi Directorate, Ministry of Human Resource Development, Department of Secondary & Higher Education or any other competent authority, to examine the contents of the representation dated 23.3.2018 (Annexure A-8 to the O.A.) and to decide in accordance with law, and, particularly, in the light of the judgement and order of the Hon'ble High Court of Judicature in Madras in Writ Petition No. 32682 and 32683 of 2014 (Union of India & ors. v. S. Ranjit Samuel & ors.) within a period of 12 weeks from the date of receipt of a copy of this order.

The decision arrived at should, thereafter be communicated to the applicant in the form of a reasoned and speaking order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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