



O. A. No. 350/00426/2020

An application under Section 19 of the Administration Tribunal's Act, 1985

BETWEEN

ASIT KR. SEN

Son of Late Anil Kr. Sen, aged about 61 years, residing at 2/C, Deshapriyanagar (Palpara), Kolkata-700050.

... Applicant.

AND

1. UNION OF INDIA, service through the Secretary, Ministry of Health & Family Welfare, 'A' Wing, Nirman Bhavan, New Delhi-110011.

2. THE DIRECTOR GENERAL OF HEALTH SERVICES, Government of India, Ministry of Health & Family Welfare, Nirman Bhawan, Rajpath Area, Central Secretariat, New Delhi, Delhi-110011.

3. THE AIRPORT HEALTH OFFICER, Airport Health Organization, N.S.C. Bose International Airport, opposite International Cargo Complex, Kolkata, West Bengal-700052.

4. THE PRINCIPAL DIRECTOR OF AUDIT, CENTRAL KOLKATA, Government of India Press Building (East Wing), 1st Floor, 8, Kiran Shankar Roy Road, Kolkata-700001.

5. THE SR. ACCOUNTS

OFFICER, Pay & Accounts Office,

Ministry of Health & Family Welfare,

8, Esplanade east, 4th Floor, Kolkata-

700069.

... Respondents.

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA/350/426/2020

Date of Order: 26.06.2020



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

Asit Kumar SenApplicant

Vrs.

Union of India & Ors.Respondents

For the Applicant(s): Mr. A.Chakraborty, Counsel

For the Respondent(s): Mr. S.Roy, Counsel for R-4

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels appearing for the respective parties.

2. This O.A. has been filed by the applicant to seek the following reliefs:

Reliefs:

"8.i) An Order do issue directing the respondents to grant the applicant the financial upgradation in higher pay-scale under Assured Career Progression Scheme with effect from 19.04.2008 and thereby to revise the pay and pension and all pensionary and retiral benefits of the applicant and thereby grant all the arrears in favour of the applicant at an earliest along with all consequential benefits and interest accrued thereon.

ii) Grant all consequential benefits.

iii) Costs of and incidental to this application;

iv) Pass such further or other order or orders;"

3. At hearing, Ld. Counsel for the applicant draws our attention to Annexure-

A/3, which reads as under:

No. Health/AEP/PEN/19-20/517

Date: 16.08.2019

To
The Airport Health Officer
Ministry of Health & Family Welfare
Airport Health Organisation
N.S.C.B.1 Airport Dumdum
Kolkata-700052.

Sub: Finalization of Pension Papers in respect of Shri Asit Kumar Sen, Health Assistant. Due to retire on 31-07-2019.

Sir,

Please refer to your letter No. 235/PENSION/AKS/APHO KOL/2019 dated 01-08-2019 on the subject cited above. On scrutiny of Documents produced for the purpose of finalization of pension case in respect of Shri Asit Kumar Sen, Health Assistant, it has been observed that Form 7 and Calculation Sheet are incorrect.

It is also stated that as per audit observation made by CIAP, Kolkata, 2nd ACP is not allowed to him after completion of 24 Years regular service i.e. on 19-04-2008. Please re-examine and reason for not granting of 2nd ACP which was due on 19-04-2008 may please be stated.

In view of the above, the pension papers along with Service Book are returned herewith for doing needful at your end.

Enclosure: As stated above.

Yours faithfully,

P. Sen
Senior Accounts Officer

4. Ld. Counsel for the applicant would submit that he shall be satisfied if a direction is given to the respondents to consider his pending representation dated 31.07.2019 (Annexure-A/5) in the light of the above order.

5. We find that the present representation does not refer to the order dated 16/19.08.2019.

6. Ld. Counsel for the applicant having noted that the representation does not refer to the aforesaid order, agrees that the applicant shall prefer a comprehensive representation to seek the benefit of the order dated 16/19.08.2019 within four weeks from the date of receipt of copy of this order. In the event, such representation is preferred, competent authority shall look into the grievance in the light of the order dated 16/19.08.2019 and pass appropriate



order in accordance with law within a period of two months thereafter. In the event, applicant is found to be entitled to the benefits he seeks, appropriate order shall be issued within one month thereof.



We make it clear that we have not entered into the merits of the matter and all the points to be raised in the representation shall be considered by the respondents.

7. The O.A. is disposed of accordingly. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

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