

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00435/2020

Date of order: 1.7.2020

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

Shri Nemai Chandra Halder,
 Son of Late Shyama Charan Halder,
 Aged about 65 years,
 Worked at Senior Quality Assurance Establishment
 (Armaments), Cossipore,
 Service Retired and residing at Netaji Pally,
 Narayanpur, P.O. – Rajarhat Gopalpur,
 District – North 24- Parganas,
 Pin – 700 136.

... Applicant

- VERSUS -



1. Union of India
 Service through the Secretary,
 Ministry of Defence,
 South Block,
 New Delhi – 110 011.
2. Director General of Quality Assurance (Armaments),
 Ministry of Defence,
 Government of India,
 Head Quarters,
 New Delhi – 110 001.
3. Senior Quality Assurance Officer,
 Senior Quality Assurance Establishment (Armaments),
 Cossipore,
 Kolkata – 700 002.

... Respondents

For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : Mr. S. Paul, Counsel

J.R.D.

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:

- "(i) An order directing the respondents to calculate and pay interests @ 18% per annum or as decided by the Hon'ble Bench, on the difference as arrears calculated and/or paid to the applicant since 31.8.1989 and four different dates thereafter following judgment and order dated 7.11.2017 and 18.2.2019 thereafter by the Hon'ble High Court, Calcutta.
- (ii) An order directing the respondents to calculate and pay interests @18% per annum or as decided by the Hon'ble Bench on the difference as arrears calculated and/or paid to the applicant as pension and pensionary benefits since 31.1.2016 (being his date of retirement) in conformity to the judgment and order dated 7.11.2017 and 18.2.2019 thereafter by the Hon'ble High Court, Calcutta.
- (iii) An order directing the respondents to consider and dispose of the representation by the applicant being dated 18.8.2019 pending consideration.
- (iv) An order directing the respondents to produce all the relevant papers/documents of the case before the Hon'ble Bench with copy to the learned Advocate for the applicant for conscientious justice.
- (v) Any other order/orders, further order/orders as to this Hon'ble Court seems fit and proper."



2. The submissions of the applicant, as advocated through his Ld. Counsel, is that the applicant had joined the respondent authorities in the capacity of Unskilled Lab (USK) as a SC candidate on 11.4.1985. That, although, two other similar SC candidates had joined similar posts after the applicant (on 30.4.1985 and 6.5.1985 respectively), they were permitted to appear at trade test and granted subsequent promotion to SSK grade on and from 30.8.1989 whereas the applicant was allowed such promotion w.e.f. 26.9.1991 only. After a protracted round of litigation, the respondents ultimately implemented the orders of the Hon'ble High Court, Calcutta, and, the applicant was paid certain arrear amounts w.e.f. 31.8.1989 and his pensionary benefits were also revised thereafter. The applicant, however, is aggrieved as because he has been suffering since 31.8.1989, and, therefore would claim that he is entitled to interest @

lwh

18% p.a. on the arrear benefits. Ld. Counsel would also aver that Hon'ble High Court, while disposing of an application numbered WPCT No. 7 of 2003 in his favour, ordered as under:

".... We direct the respondent authority to refix his seniority in the gradation list above, the aforesaid Shri K.P. Ram and Sri B. Purakait with retrospective effect from the date of awarding promotions to Sri K.P. Ram and Sri B. Purakait.

Needless to point out that consequential financial and other benefit shall be extended to the petitioner within three months from the date of communication of this order to the respondents."

In view of such order, the respondents were bound to release the interest on delayed payments; however, a representation dated 18.8.2019 (Annexure A-6 to the O.A.) to that effect has been pending with the respondent authorities wherein the applicant had prayed for such interest but, as the respondent authorities have not responded so far, it was urged that the authorities be directed to dispose of the said representation in a time bound manner.

3. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

4. We are of the considered view that, as the respondent authorities are yet to dispose of the representation of the applicant, no useful purpose would be served in calling for a reply pending the decision of the respondent authorities.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would direct respondent No. 3, who is the Senior Quality Assurance Officer, Senior Quality Assurance Establishment (Armaments), Cossipore, Kolkata, or any other competent authority, to examine and decide on the contents of the representation dated 18.8.2019 within a period of 8 weeks from the date of receipt of a copy of this order. The said authority should decide in accordance with the



decision of the Hon'ble High Court and convey his decision in the form of a reasoned and speaking order forthwith thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

