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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
KOLKATA BENCH.

DETAILS OF THE APPLICATION:

OA/350/210/2014

PARTICULAR OF THE APPLICANTS:

1. Sri Sanat Paik, S/o Late Upendra Nath Paik, aged about 51 years, residing at Central Government Qtr., Block -13, Flat 177, Jatin Bagchi Road, Kolkata - 700 029, working as U.D.C. in the office of Central Administrative Tribunal, Calcutta Bench, Nizam Palace, Kolkata - 700 020.
2. Sri Tapash Kumar Paul, S/o Late A.N.Paul, aged about 50 years, residing at 347, Soyh Subash Nagar Bye Lane, P.O.-Rabindra Nagar, O.S.-Dum Dum, Kolkata - 700 065, working as U.D.C. in the office of Central Administrative Tribunal, Calcutta Bench, Nizam Palace, Kolkata - 700 020.
3. Sri Kanai Lal Mitra, S/o Late Nishikanta Mitra, aged about 45 years, residing at Kalachand Para, P.O. - Duttagukur, P.S.-Duttagukur, Dist.- North 24 Parganas, Pin- 743248, working as U.D.C. in the office of Central Administrative Tribunal, Calcutta Bench, Nizam Palace, Kolkata - 700 020.
4. Smt Aparna Basak, W/o Sri Chandi Charan Basak, aged about 47 years, residing at 33/1/1, Gulu Ostagar Lane, Kolkata - 700 006, working as U.D.C. in the office of Central Administrative Tribunal, Calcutta Bench, Nizam Palace, Kolkata - 700 020.
5. Sri Chandan Chakraborty, S/o Late P.R.Chakraborty, aged about 48 years, residing at 3/42, Viveknagar, P.O.-Santoshpur, Jadavpur, Kolkata.

700 075. working as U.D.C. in the office of Central Administrative Tribunal, Calcutta Bench, Nizam Palace , Kolkata – 700 020.

6. Sri D.K.Nayak, S/o Late Maheswar Nayak , aged about 45 years, residing at IC-566, Salt Lake, Sector-III, Kolkata- 700 096, working as U.D.C. in the office of Central Administrative Tribunal, Calcutta Bench, Nizam Palace , Kolkata – 700 020.

.....APPLICANTS

-V E R S U S-

PARTICULAR OF THE RESPONDENTS :

1) Union of India through the Secretary, Ministry of Personnel Public Grievances & Pension, North Block, New Delhi – 110 001

2) The Principal Registrar, Central Administrative Tribunal, Principal Bench, 61/35, Copernicus Marg, New Delhi – 110 001.

3) The Registrar, Central Administrative Tribunal , Calcutta Bench, 11th,12th & 13th floor, 2nd M.S.O.Building, 234/4, A.J.C.Bose Road, Kolkata – 700 020.

.....RESPONDENTS.

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/210/2014

Date of Order: 06.04.2021

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

SANAT PAIK AND OTHERS

--Applicants

-vs-

CENTRAL ADMINISTRATIVE TRIBUNAL

--Respondents



For The Applicant(s): Mr. A. Chakraborty, counsel

For The Respondent(s): Mr. B. P. Manna, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This application has been preferred to seek the following reliefs:

"8.a) Para-2 of the modified Assured Career Progression Scheme which envisages merely placement in the immediate next Higher Grade Pay in the hierarchy of the recommended revised Pay Bands and Grade Pay can not be sustained in the eye of law and therefore the same may be quashed and/or modified.

b) Office Order dated 22.1.2014 issued by Dy. Registrar, Calcutta Bench, Kolkata cannot be sustained in the eye of law and therefore the same may be quashed.

c) An order do issued directing the respondents to grant the benefit of MACP in favour of the applicants applying the same principles enunciated for grant of ACP.

d) An order do issue directing the respondents to grant financial benefit of up-gradation under MACP to the applicants in their respective promotional hierarchy from their dates in the light of decision passed by the Hon'ble CAT, Principal Bench, in the order dated 26.11.2012 in OA No. 904/2012 in case of Sanjay Kumar, UDC and Ors – versus – union of India.

e) An order do issue directing the respondents to fix the pay of the applicants in the scale of Rs. 9,300 – 34,800/- with Grade Pay of Rs. 4,600/-.

f) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT procedure Rules, 1987."

3. At hearing, ld. counsel for the respondents would produce a judgement of the Hon'ble Apex Court in **Civil Appeal No. 2016 of 2020 (Arising out of SLP (C) No. 21803 of 2014)** in UOI & Ors Vs. M.V. Mohanan Nair.

4. Ld. counsel for the applicant insists that a direction may be issued to the respondents to pass order in the light of para 53 of the judgment supra.

Ld. counsel for the respondents agrees that the O.A can be disposed of with such direction.



5. Accordingly, with the consent of both parties, we dispose of the O.A with a direction upon the respondent authorities to consider the case of the applicants in the light of para 53 of the judgement supra, and issue a reasoned and speaking order in accordance with law within a period of 4 months from the date of receipt of copy of this order. In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

6. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration

7. The OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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