

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**LIBRARY**

No. O.A. 350/00397/2020

Date of order: 25.2.2021

Present Hon'ble Dr. Nandita Chatterjee, Administrative Member

MES 194035 Shri Goutam Roy IDSE,
 Son of late Bhakta Pada Roy,
 Aged about 59 years,
 Presently posted at HQ CE Eastern Command at
 Jt. DG (Pers & Trg), Engrs Branch,
 Pin-908542,
 C/o 99 APO Station Kolkata and
 Residing at LIC Officers' Co-Op. Housing Society,
 129/44, S.N. Roy Road,
 P.S. Behala,
 Kolkata-700038, W.B.

..... Applicant

- V E R S U S -

1. The Union of India through the
 Secretary,
 Ministry of Defence,
 South Block,
 New Delhi-110011.
2. Engineer-in-Chief, IHQ,
 Ministry of Defence (Army),
 Rajaji Marg,
 Kashmir House,
 New Delhi-110011.
3. Director General (Pers) IHQ,
 Ministry of Defence (Army),
 Rajaji Marg,
 Kashmir House,
 New Delhi-110011.
4. Additional Director General (Pers.), IHQ,
 Ministry of Defence (Army),
 Rajaji Marg,
 Kashmir House,
 New Delhi-110011.
5. Chief Engineer HQCE Eastern Command,
 Fort William,
 Kolkata-700027.

..... Respondents

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

For the Respondents : None

O R D E R (Oral)

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 cancel, rescind, withdraw or set aside the purported order/letter dated 28.8.2019 regretting the NFU increment since due on 01.01.2007 as DoPT OMs vis-à-vis several judgments of Hon'ble CAT Principal Bench either.
- (ii) An order directing the respondents to allow his due increment as per NFU provisions with higher GP since due on 01.01.2007 following not found eligible on 01.01.2006, since cannot be detained to 01.04.2007 by any means whatsoever;
- (iii) An order directing the respondents to allow the due increment to the applicant at enhanced GP of Rs. 10,000/- w.e.f. 1.1.2007, following not found eligible on 01.01.2006, hence cannot be dragged to 01.04.2007 against the rules of law.
- (iv) An order directing the respondents to submit all the relevant records of the case before the Hon'ble Bench with copy to the Ld. Advocate for the applicant for conscientious justice.
- (v) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Affidavit of service is taken on record. As none appears for the respondents, despite affidavit of service, Rule 16(1) of Central Administrative Tribunal (Procedure) Rules, 1987 is invoked.

3. Ld. Counsel for the applicant would submit that the applicant is a Joint DG (Pers. & Trg.), who had been allowed Non Functional Upgradation w.e.f. 1.4.2007 instead of w.e.f. 1.1.2007. The applicant was deprived of one increment, which has been allowed to his contemporaries and juniors, and, his representations against such anomalies have been of no avail. And, that, the applicant's representation at Annexure A-5 to

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the O.A. have been cryptically rejected by the respondents vide their orders dated 28.8.2019 (Annexure A-5 collectively).

Ld. Counsel for the applicant would also submit, that the applicant's claim is further strengthened vide certain judicial pronouncements of the Principal Bench of the Tribunal, and, would, accordingly, pray for liberty to prefer a comprehensive representation citing such judgments in support of his claim.

The applicant is hence permitted to withdraw this O.A. and to prefer a comprehensive representation to the appropriate authority citing rules and judicial decisions in support, within a period of 4 weeks of the date of receipt of this order.

In the event such representation is preferred, the said appropriate authority shall decide in accordance with law, within a further period of 12 weeks, and convey his decision in the form of a reasoned and speaking order.

Consequent benefits, if any, in terms of the applicant's entitlement, be released within a further period of 10 weeks thereafter.

5. With these directions, the O.A. is disposed of as withdrawn with liberty to the applicant to agitate afresh, in case his grievance persists. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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