

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

LIBRARY

O.A/350/473/2021

Date of Order: 22.03.2021

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

Smt. Sumita Bedi, daughter of Late Shri Anjan Kumar Ghosh, aged about 44 years, working as Superintendent of Customs (P) residing at Flat No. B, 1st floor, Rupsa Apartment, 30(20) B.T. Road, Sastitala Barrackpore, Pin 700123.

--Applicant

-vs-

1. Union of India, through Secretary to the Government of India, Department of Revenue, Ministry of Finance, North Block, New Delhi – 110001.
2. The Chairman, Central Board of Indirect Taxes, North Block, New Delhi – 110001.
3. The Chief Commissioner of Customs, Kolkata Customs Zone, Customs House, Kolkata – 700001.

--Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel
For The Respondent(s): None

ORDER (O R A L)

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

Heard ld. counsel for the applicant. Despite service none appears on behalf of the respondents. Hence, Rule 16 (1) of the C.A.T. (Procedure) Rules, 1987 is invoked.

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

“(i) An order do issue directing the respondents to pass necessary orders to extend the benefit of fixation in favour of the applicant at Grade Pay of Rs. 5400/- in PB-2 with effect from 01.09.2012 upon completion of 4 years of service in the Grade Pay of Rs. 4800 in PB-2 as granted in the case of M. Subramaniyam in W. P. No. 13225 of 2010 dated 6.9.2013 affirmed by the Hon'ble Apex Court along with all consequential benefits thereto along with grant arrears at an earliest.

(ii) Costs and incidentals.

B

(iii) Pass such further or other order or orders and other relief/s as may be deemed fit and proper in the peculiar facts & circumstances of the present case."

3. At hearing, ld. counsel for the applicant would submit that he would fairly satisfied if a direction is issued to the authorities to consider her representations in the light of M. Subramaniam in W. P. No. 13225 of 2010 dated 6.9.2013 and Shiladitya Maitra vs. UOI & Ors passed in O.A 350/358/2019, in a time bound manner.

4. Having noted that no adverse order is under challenge and seeking identical relief, the applicant has already preferred a representation dated 18.08.2020 to the Respondent authorities which is yet to be disposed of. As no fruitful purpose would be served by calling for a reply in this matter, unless the representation is decided by the competent authority, we dispose of the OA with a direction upon the competent authority to consider the representation in the light of M. Subramaniam in W. P. No. 13225 of 2010 and Shiladitya Maitra vs. UOI & Ors passed in O.A 350/358/2019, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 2 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.

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

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

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)