



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

OA. 350/491/2018

Date of order 05.04.2021

Present :Hon'bleMs.Bidisha Banerjee, Judicial Member

Hon'bleDr.NanditaChatterjee, Administrative Member



1. Shri Nirmal Das son of Late Nani Gopal Das aged about 53 years, presently posted as Highly Skilled Grade-I (Turner) at TR Section P.MNo.-1925/HTC Ordnance Factory, Dum Dum, Kolkata-700028 and residing at Airport Gate No.1, Italgacha Road, 13, Preetilata Sarani, P.O.- Italgacha, P.S. Dum Dum, Kolkata-700079.

.....Applicants

-versus-

1. Union of India, through the Secretary, Ministry of Defence, Department of Defence Production, South Block, New Delhi-110001.
2. Ordnance Factory Board Service through the Chairman, Ordnance Factory Board, Sahid Khudiram Bose Sarani, Kolkata-700001.
3. The General Manager, Ordnance Factory, Dum Dum, Jessore Road, Kolkata-700028.

.....Respondents.

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

For the Respondents : Mr. B.B.Chatterjee, Counsel

O R D E R (Oral)

Per Ms.Bidisha Banerjee, JM:

Heard both parties.

2. This OA has been filed to seek the following reliefs:

"8(i) An order directing the respondents to cancel rescind withdraw or set aside the purported Memorandum dated 02.03.2016, letters dated 19.01.2018, 08.02.2018 and any other similar letters/orders either directing to show cause why the huge sum of Rs.1,18,628/- shall not be deducted or directing for deduction of the said amount against all cannons of justice.

(ii) An order directing the respondents to amend/cancel the Factory Order Pt.III dated 2.7.2015 since directed effecting the PB-2 Rs.9300-34800/- with Grade Pay Rs.4200/- from a later date of 21.07.2013 and to revive the earlier Factory order Pt.III being No. 248 dated 24.03.2012 in the interest of justice.

(iii) An order directing the respondent authority to allowed the applicant to regularize his MACP-III since 16.04.2011 on immediate basis and further directing the respondents to not to effect the purported recovery/deduction without any basis in the eye of law;

(iv) An order directing the respondents to place all the relevant records before the Hon'ble bench with copy to the Id. Advocate for the applicant for conscionable justice.

(v) Any other order/orders further order/orders as to this Hon'ble Tribunal may seem fit and proper.



3. During the course of hearing, learned counsel for applicant submits that applicant would be satisfied, if a direction is issued to the respondent authorities to re-consider the case of applicant in regard to recovery of excess payment/wrongful payment in the light of DOPT OM dated 02.03.2016 and to pass a reasoned and speaking order within stipulated time frame.

4. Learned counsel for respondents submits that the representation of the applicant has already been rejected and order has been passed in the light of DOPT OM dated 06.02.2014. However, he further submits that since new OM has been issued in this regard, the case of applicant may be reconsidered in the light of new DOPT OM dated 02.03.2016.

5. In view of the above, we quash the impugned order dated 24.03.2012 and remand the matter back to the competent

103

authority/respondent with direction to re-consider the case of applicant in the light of new DOPT OM dated 02.03.2016 and pass a reasoned and speaking order within a period of three months from today. It is made clear that we have not entered into the merit of the matter.

6. Accordingly, the OA is disposed of. No costs.



**(Dr. Nandita Chatterjee)**  
**Member (A)**

**(Bidisha Banerjee)**  
**Member (J)**

Mks