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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/722/2018

Date of order 05.04.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Akhter Hossain son of Late Md. Hanif aged about 54 years, presently posted as Highly Skilled Grade-I (Welder) at PS Section P. No.-2048 at Ordnance Factory, Dum Dum, Kolkata-700028 and residing at 26/20, Cossipur Road (North) P.O.- & P.S.- Cossipore, Kolkata-700002.

.....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

ORDER (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 letters beig



dated 16.05.2018 as also 08.02.2018 since issued without due application of mind as also in contrary to the Hon'ble Apex Court guidelines.

(ii) An order directing the respondents to cancel, rescind, withdraw or set aside the purported letter dated 17.04.2015, letter dated 19.01.2018 and any other similar letters/orders either directing to show cause why the huge sum of Rs.1,30,086/- shall not be deducted or directing for deduction of the said amount against all cannons of justice.

(iii) An order directing the respondents to amend/cancel the Factory Order Pt.III, dated 02.07.2015 since directed effecting the PB-I Rs.5200-20200/- with Grade Pay Rs.200/- & 2400/- from a later dated of 01.09.2008 & 18.03.2012 and to revive the earlier Factory order Pt III being No. 184 dated 03.03.2010 & 692 dated 22.12.2010 in the interest of justice.

(iv) An order directing the respondent authority to allow the applicant to regularize his MACP II and III since 12.01.1999 and 12.01.2009 on immediate basis and further directing the respondents not to effect the purported recover/deduction without any leave of this Hon'ble Court.

(v) An order directing the respondents to place all the relevant records before the Hon'ble Bench with copy to the Ld. 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 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 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