

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00915/2021

Date of order: 28.7.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Pranab Kumar Pal,
S/o Late Binoy Chandra Pal,
Retired from Defence and
Residing at B.K. /338 Sector - II,
Salt Lake,
Kolkata - 700 091.

..... Applicant

- V E R S U S -

1. Union of India,
Through the Secretary,
Ministry of Defence,
Government of India,
South Block,
New Delhi - 110 001.
2. The Director General of Ordnance Factory and
Chairman to the
Ordnance Factory Board,
10A, Sahid Khudiram Bose Road,
Kolkata - 700 001.

... Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

A handwritten signature in black ink, appearing to read "bph".

ORDER (Oral)Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved with non-payment of arrears, the applicant has approached this Tribunal in second stage litigation under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

- "(a) To issue direction upon the respondent to consider representation dated 17.5.2020 for payment of arrears with effect from 1.7.1990 as per order of Apex Court dated 1.12.2017 forthwith.
- (b) To issue further direction upon the respondent to give benefit of the judgment of Apex Court dated 01.12.2017 forthwith.
- (c) Any other order or further order or orders as Learned Tribunal deem fit and proper.
- (d) To produce Connected Departmental Record at the time of Hearing."

2. Heard Ld. Counsel for the applicant. 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 and we proceed to dispose of the matter at the admission stage itself.

3. The brief facts of this matter, as advanced by the applicant's Counsel, is that the applicant, a retired employee of the Defence Organisation, had earlier approached this Tribunal in O.A. No. 975 of 2012. The O.A. was disposed of with the following directions:-

"7. In the aforesaid backdrop the respondents are directed to consider the case of the present applicants alike Shri Subrata Sinha for pre-ponement of date of promotion on par with the juniors of the applicants namely, Sri Pranab Kumar Pal, Sri Debaprasad Deb, Sri Tapan Kumar Roy and Kaushal Kishore Singh."

The authorities issued their orders dated 13.5.2019 (Annexure A-2 to the O.A.), granting notional promotion to the applicant w.e.f. 30.12.1993.

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The applicant would also rely on the timeline granted by the Hon'ble Apex Court dated 1.12.2017 in Contempt Petition (C) No. 100/2009 wherein the Hon'ble Apex Court granted six months' time for execution of the order. As the Ordnance Factory Board has not issued any order in compliance to the orders passed by the Hon'ble Apex Court, the applicant preferred a representation before the concerned respondent authority on 17.5.2020 (Annexure A-5 to the O.A.) for payment of arrears, but the said representation is yet to be disposed of by the authorities.

Ld. Counsel for the applicant would submit that the applicant would be fairly satisfied if directions are issued to the respondents to dispose of his pending representation in a time bound manner.

4. Accordingly, without entering into the merits of the matter, we hereby direct the addressee respondent authority i.e. respondent No. 2 or any other competent respondent authority to dispose of the representation of the applicant dated 17.5.2020 at Annexure A-5 to the O.A. in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The concerned respondent authority should convey his decision in the form of a reasoned and speaking order to the applicant thereafter.

5. With these directions, the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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