

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



Date of Order: 02.08.2021

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

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| 1. OA. 350/993/2021 | ASHIM SARKAR |
| 2. OA. 350/994/2021 | SUCHISMITA DEB |
| 3. OA. 350/995/2021 | PRABIR MUKHOPADHYAY |
| 4. OA. 350/996/2021 | MOUSUMI ROY |
| 5. OA. 350/997/2021 | BIROJIT ROY |
| 6. OA. 350/1011/2021 | PARTHA SARMA |
| 7. OA. 350/1012/2021 | SUDIPTA CHAKRABORTY |
| 8. OA. 350/1013/2021 | ABHIJIT BHATTACHARJEE |
| 9. OA. 350/1019/2021 | PRADIP BHOWMIK |
| 10. OA. 350/1020/2021 | PARTHA MITRA |
| 11. OA. 350/1027/2021 | SMARAJIT BANDYOPADHYAY |
| 12. OA. 350/1028/2021 | SUDHAMOY MUKHOPADHYAY |
| 13. OA. 350/1029/2021 | NARENDRA NARAYAN DATTA |
| 14. OA. 350/1030/2021 | SOMENDU DAS |
| 15. OA. 350/1035/2021 | ANJAN DATTA |
| 16. OA. 350/1039/2021 | ABHIJIT BHATTACHARYA |
| 17. OA. 350/1040/2021 | TAPAS CHATTOPADHYAY |
| 18. OA. 350/1041/2021 | PINTU PAL |
| 19. OA. 350/1042/2021 | GOURANGA MONDAL |
| 20. OA. 350/1043/2021 | MD. NAZAT ALI |

- VS -

Union of India & Ors.

For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal & Mr. Argha Chakraborty, counsel

For The Respondent(s): NONE

ORDER (ORAL)

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

This matter is taken up by Single Bench in view of the revised list dated 04.04.2000 issued under Sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985 and as no complicated question of law is involved this matter is taken up for disposal at the admission stage.

Heard ld. counsel for the applicant. Despite service, none appears on behalf of the respondents. No adverse order is under challenge.

Ld. Counsel for the applicant makes an innocuous prayer for a direction to consider his representation. Since we have disposed of identical matters on the same issue without calling for reply, Rule 16 (1) of the CAT (Procedure) Rules 1987 is invoked and the following order is passed.

- 2: Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice to be disposed of by this common order.
3. For the sake of brevity, OA. No. 993/2021 is being delineated and discussed hereunder:

This O.A 993/2021 has been preferred to seek the following relief:

"8.i) Memorandum dated 11.02.2009 (Annexure A/4) cannot be sustained in the eye of law and the same may be quashed.

ii) An order do issue directing the respondents to pass necessary orders to extend the benefit of fixation at Grade Pay of Rs. 5400/- in PB-2 upon completion of 4 years of regular service in the Grade Pay of Rs. 4800 in PB-2 to such of those officers who had got the Grade pay of Rs. 4,800/- on upgradation under ACP Scheme as granted in the case of M. Subramaniam in WP No. 13225 of 2010 dated 06.09.2010 affirmed by the Hon'ble Apex Court of India along with all consequential and incidental benefits thereto along with grant of arrears at an earliest.

iii) Costs and Incidentals.

iv) 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."

The applicants are thus primarily seeking benefit of the decision in *M. Subramaniam in WP No. 13225 of 2010 dated 06.09.2010*. It also transpires that identical applications have been disposed of already, one such being *Shiladitya Maitra & Ors in OA/350/358/2019*.

4. At hearing, ld. counsel for the applicants would submit that he would be fairly satisfied if a direction is issued to the concerned respondent authority to consider and dispose of the pending representation in the light of the decision rendered in *Shiladitya Maitra & Ors* in OA/350/358/2019 and to issue appropriate order.

5. Accordingly, without calling for reply, I dispose of the O.A by directing the competent respondent authority to consider and dispose of the pending representation in the light of OA/350/358/2019 (*Shiladitya Maitra & ors*) supra, within 4 weeks from the date of receipt of a copy of this order and pass appropriate order.



6. In the event the applicants are found entitled to the relief as sought for, identical benefits shall be extended in terms of the judgment supra, within 3 months thereafter.

7. It is made clear that I have not entered into the merit of the matter and therefore all the points raised in the representations shall be open for consideration.

8. The present OAs accordingly stand disposed of. No costs.

(Bidisha Banerjee)
Member (J)

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