

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/1089/2021

Date of Order: 12/08/2021

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



Shri Subhas Chakraborty son of Late Santi Chakraborty aged about 63 years, worked as Yoga Teacher, K. V. Fort William, Kolkata – 700021 under Kendriya Vidyalaya Sangathan, since retired on 30.04.2018 from K.V. Fort William, Kolkata – 700021 since residing at 1182/N, Balagarh Road South near Bandel Church P.O. & Dist. Hooghly, Pin – 712103, West Bengal.

....Applicant

-Versus-

1. Union of India, service through the Chairman, Kendriya Vidyalaya Sangathan, Shastri Bhavan, New Delhi - 110115.
2. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016.
3. The Dy. Commissioner (Per.), Kendriya Vidyalaya Sangathan, EB Block, Labony – Sector I, Salt Lake City, Kolkata - 700064.
4. The Principal, Kendriya Vidyalaya Fort William, Kolkata – 700021, West Bengal.

...Respondents

For The Applicant(s): Mr. J. R. Das, Counsel

For The Respondent(s): Mr. R. N. Bag, Counsel

ORDER (ORAL)

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

Heard Ld. Counsel for both sides.

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

i) An order/directions directing the respondents to quash/make suitable amendment/correction in Memorandum dated 22.02.2008, office order dated 24.01/07.02.2014 to allow the applicant with revision of pay scale as due from time to time since his entry grade as on 20.10.1982 also Senior scale to the scale of Rs. 7450-11500/- w.e.f. 20.10.1994 after 12 years and then selection grade @ Rs. 9300-34800/- with GP Rs. 4800/- w.e.f. 20.06.2006/- and 3rd MACP w.e.f. 20.10.2012 at still higher grade on completion of 30 years following appointment on 20.10.1982 as per rules.

ii) An order directing the respondents to extend the benefits of the Judgement and order in OA 391 of 2016 dated 05.02.2021 (Sri Gunadhar Santra –vs. Union of India & Ors) dated 05.02.2021 being similarly situated and alike;

iii) An order/direction directing the respondents to make a total review of his career prospects of the applicant and make suitable review/correction of his pay and allowances allowed throughout her career vis-à-vis allowing of suitable/correct grade and pay from time to time as state hereinabove in conformity to the KVS guidelines as also 6th CPC along with enhanced pension & pensionary benefits since due.

iv) An order/direction directing the respondents to re-fix/re-calculate his pension and pensionary benefits following upward revision of his pay and allowances and fix/calculate pension and pensionary benefits on such enhanced basic pay on the date of retirement and pay the arrears of difference of pay and allowances as also pension and pensionary benefits with due interest thereon as per rule in the interest of justice.

v) An order directing the respondents to place all relevant records before the Hon'ble Bench with copy to the Ld. Advocate for the applicant for conscionable justice.

vi) Costs and incidentals;

vii) Any other order or further order/orders and/or direction/directions as to this Hon'ble Tribunal seem fit and proper.

3. At hearing, ld. Counsel for the applicant would submit that he would be fairly satisfied in a direction is issued to the competent authority to consider his pending representation order dated 04/03/2021 in the light of Sri Gunadhar Santra –Vs. Union of India & Ors in a time bound manner.



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4. Ld. Counsel for the respondents does not have any objection is a direction is issued to the authorities to consider the representations, in accordance with law.

5. We have noted that no adverse order is under challenge and seeking identical relief, the applicant has already preferred a representation dated 04/03/2021, seeking consideration in the light of **Sri Gunadhar Santra -Vs. Union of India & Ors**, 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 **Sri Gunadhar Santra - Vs. Union of India & Ors**, 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 same period.

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

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

(Nandita Chatterjee)
Member (A)

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(Bidisha Banerjee)
Member (J)

