

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A/350/141/2021

Date of Order: 01.04.2021

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

Shri Suresh Kumar Mahato
S/o Late Deo Lachman Mahato
Vill – Bhujiapani PO – Bagdogra,
Police Station – Naxalbari
District – Darjeeling (West Bengal)
Pin No – 734014

..... Applicant.

-Versus-

1. Union of India
Through the Secretary to the Govt. of India,
Department of Defence,
Ministry of Defence, Udyog Bhawan,
New Delhi – 110011.
2. The Command Chief Headquarters,
Eastern Command Engineers Branch,
Pin – 908542
C/O 99 APO
3. The Military Engineer Services (MES),
Garrison Engineer (AF) Chabua
PO – Chabua Air Field
Dist – Dibrugarh (Assam)
Pin No – 786102
4. Garrison Engineer (GE)
867 Engr Wks Sec
PIN - 913 867
C/o 99 APO
5. Area Accounts Office (Pay Cell) Kolkata
EM Block, Sec – V
Salt Lake, Kolkata - 91

..... Respondents.

For The Applicant(s): Mr. D. Nayak, counsel

For The Respondent(s): None



ORDER (ORAL)

Per: Dr. (Ms.) Nandita Chatterjee, Member (A):

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

"8.(i) An order directing the respondents authority their agents, subordinates and successors to consider the applicants' representation dated 14th November, 2019 and the Demand Justice dated 19/11/2020 and take necessary actions accordingly.

(ii) An order directing the respondents authority their agents, subordinates and successors to disburse the arrear which the applicant is entitled to receive from 15th April, 2017 along with the statutory interest.

(iii) An order directing the respondents authority their agents, subordinates and successors to disburse the pay fixation for promotion after finalizing the applicant's pay fixation.

(iv) Give due consideration to the representation of the petitioner seeking for disbursement of the due arrear increments as per the provisions of Central service (Revised Pay) Rules 2016;

(v) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper;"



2. As no complicated questions of law are involved, this matter is taken up for disposal at the admission stage under Appendix VII of Rule 154 of the Central Administrative Tribunal Rules of Practice, 1993.

3. Heard Ld. Counsel for the applicant and examined annexed documents. Affidavit of service is taken on record.

None appears to represent the respondents despite service. Hence, Rule 16 (1) of the CAT Procedure (Rules) 1987 is invoked.

4. At hearing, ld. counsel for the applicant would submit that he would be fairly satisfied if a direction is issued to the competent respondent authority to consider the legal notice dated 19.11.2020 (at Annexure A-8 to the O.A). No representation from the applicant, however, is on record.

Wal

Ld. Counsel for the applicant would, hence, seek liberty to file a comprehensive representation and would urge for directions upon the respondents to consider and dispose of the same in a time bound manner.

5. Accordingly, the O.A is disposed of with liberty to the applicant to file a comprehensive representation addressed to the competent respondent authority, seeking redressal of his grievances, within a period of 4 weeks from the date of receipt of a copy of this order. If so received, the addressee respondent authority shall examine such representation in accordance with law and pass appropriate orders within 12 weeks thereafter to and convey his decision in the form of a reasoned and speaking order to the applicant.



In the event the applicant's claim is found to be justified, consequent benefits shall be released within 10 weeks thereafter.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Nandita Chatterjee)
Member (A)