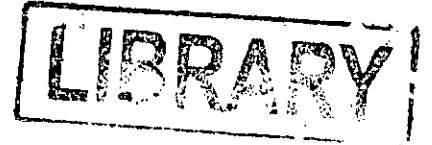


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/351/1282/2020

Date of Order: 17.02.2021

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

Kanak Lingeswar Rao, S/o Shri G. N. Moorthy, resident of Nausod Colony, Bhatu Basti, Port Blair Tehsil, presently working as Fitter, Fishery Survey of India, Opposite Fishery Jetty, Port Blair, South Andaman District.

--Applicant

-vs-

1. Union of India, service through the Secretary, Ministry of Agriculture, Department of Animal Husbandry, Dairying and Fisheries, Krishi Bhawan, New Delhi - 110001, email : secyamd[at]nic[dot]in
2. The Director General, Fishery Survey of India, Botawala Chambers, Sir. P.M. Road, Port Mumbair - 400001, Email : dg-fsi-mah@nic.in
3. The Zonal Director, Zonal Base of Fishery Survey of India, Post Box no. 46, Port Blair 744101, email: fsiportblair@gmail.com.

--Respondents

For The Applicant(s): Mr. B. Bhushan, counsel

For The Respondent(s): Mr. R. Halder, counsel

ORDER (O R A L)

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.(A) This Hon'ble tribunal be graciously pleased to direct the respondent no. 2 to considering the representation (Annexure-A7 Colly.) of the applicant and to pass order taking into consideration law laid down in order dated 24.03.2013 passed in O.A. No.252 of 2013 (K. Soman Pillai and others vs. Secretary, Ministry

of Defence, New Delhi and others) and to extend the benefit of the order No. F.1-6/2006 E.II dated 26.11.2019 Annexure-A6):

(B) Any such order or orders be passed and or direction or directions be given as this Hon'ble Tribunal may deem fit and proper.

(C) Cost and incidentals to this application."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. The submission of the applicant, as canvassed through his ld. counsel is that, the applicant was appointed as a Fitter and was awarded his 1st Financial upgradation under MACP scheme w.e.f 01.09.2008 vide order dated 16.01.2012. One of his colleagues, Shri Rajendra V. Desai was also awarded the 1st financial upgradation on the same date. Subsequently, both the applicant and Shri Rajendra V. Desai were granted 2nd financial upgradation w.e.f 01.06.2015 vide order dated 01.06.2015.

In the meanwhile, the Tribunal, in its Ernakulam Bench, had held, that those who completed 24 years of service prior to issue of O.M dated 19.05.2009 are entitled for upgradation under the ACP Scheme.

Shri Desai had approached the Mumbai Bench of this Tribunal in O.A No. 363/2013, and, in compliance to direction thereon, the respondent authorities had granted the applicant 1st financial upgradation under ACP Scheme in supersession of earlier order dated 16.01.2012 and 01.06.2015. The applicant had thereafter represented seeking similar benefits, but, as the respondent authorities have failed to respond to his prayer, being aggrieved, he has approached this tribunal praying for the abovenoted relief.

4. Ld. Counsel for the respondents would not object to the disposal of the representation in accordance with law.

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5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the addressee respondent authority or any other competent respondent authority is directed to decide on the applicant's representations (Annexure A-7 to the O.A), in accordance with law ^{and} in the light of the decision of the Mumbai Bench of this Tribunal in O.A 363/2013 and in terms of compliance of the respondent authorities thereupon. Such decision should be conveyed to the applicant in the form of a reasoned and speaking order within a period of 16 weeks from the date of receipt of a copy of this order.

Once decided, the benefits to which the applicant would be legally entitled, should be disbursed to him within a further period of 10 weeks thereafter.

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

(NanditaChatterjee)
Member (A)

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