

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 728 of 1996

Date of Order: 22.9.97.

Present: Hon'ble Dr.B.C.Sarma, Administrative Member.

Hon'ble Mr.D.Purkayastha, Judicial Member.

SURANJAN CHAKRABORTY, UDC with Spl. Pay in
the O/O The Dy. Commissioner of I. Tax, Appeal
Range-18, -169, A.J.C. Bose Rd., Calcutta-700014,
residing at 31, North Basudevpur, PO: Belgharia,
Calcutta-700056.

.....Applicant.

-Versus-

1. Union of India, through the Secretary, Min. of
Finance, Deptt of Revenue, New Delhi.
2. The Chief Commissioner of Income Tax, P-7,
Chowringhee Square, Calcutta-700069.
3. The Dy. Commissioner of Income Tax-Appeal Range-18
169, A.J.C. Bose Road, Calcutta-700014.

.....Respondents.

For the petitioner: Mr. S.K. Gupta, counsel. Heard on: 22.9.97.

For the respondents: Ms. V. Sanyal, counsel. Ordered on: 22.9.97.

O R D E R

B.C. Sarma, A.M.

This application has been filed by the applicant for
~~with~~ a direction upon the respondents to reconstruct his
service book immediately and after such reconstruction, his
pay should be revised with effect from 1.1.86 and to pay the

increments which he would have been paid on due dates and on such fixation, to pay him all such consequential benefits. The applicant has also prayed for a direction upon the respondents to pay him interest @ 18% per annum on the accumulated arrear from 1.8.81 and also pay cost.

No reply has been filed by the respondents. Ms.Sanyal, ld.counsel appearing on behalf of the respondents, submits that inspite of her repeated instructions, no reply has been filed till date. Ms.Sanyal, submits that the applicant worked in various departments and his service records are not available. So, the service book of the applicant, which was lost could not be reconstructed. Mr.Gupta, ld.counsel for the applicant, submits that on the basis of Annexure-1 to this application, service book might have been reconstructed but no step has been taken by the respondents so far.

We have heard the ld.counsel for both the parties and considering the facts and circumstances of the case, we think that it is very unfortunate that the service book of the applicant has been lost by the respondents which has been, so far kept by them. Service Book of an employee is most ^{important} ~~important~~ and vital document on the basis of which all ^{important} ~~important~~ decisions are taken up by the Government. If the service book is lost ^{which is kept} ~~by~~ the respondents, it is a negligence on the part of the respondents and it is the duty on their part to reconstruct the same and the matter should not have been delayed by so long years with the result that the applicant has to seek remedy from this Tribunal. This ~~injustice~~ ^{injustice} should have been done by the respondents. We note that a correspondence was made between the Chief Commissioner (Administration) & CIT, West Bengal-1 and the Commissioner of Income-Tax (Central-I), Rabindra Sarani, Calcutta. It appears ~~that~~ ^{some} from the said letter that ~~some~~ ^{some} particulars are available ~~available~~ in respect of the applicant, such as, the applicant

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entered in service as Group-D staff on 27.8.64, he was promoted as LDC on 22.2.69, he joined C.I.B. after 1.9.74 and was promoted as WDC on 7.10.75. It is not so fair to expect that a Group-D employee should preserve his records, whatever were made available to him by the employer. Whatever that may be, it is essentially required to reconstruct his service book. We are given to understand that the applicant under whom he was posted is a welfare officer and we accordingly direct the respondents to reconstruct the service book of the applicant, preferably, in view of urgency, under the supervision of a responsible officer, within 31st & January, 1998. Be it noted that we do not want to grant any extension of the said period on any ground whatsoever. Thereafter, the respondents are directed to refix his pay and allowances to which he is entitled as per law and the arrears of pay and allowances shall be paid to the applicant from the date due and any delay in disbursement with interest @ 10% per annum on the accumulated arrears. We note that the applicant is going to retire on superannuation on 31.8.98 and for that purpose, he is required to submit necessary application to the authorities for granting pension etc. within a period of 6 months prior to the date of retirement. This schedule must be kept in mind by the respondents in this matter. Since the applicant is forced to come to this Tribunal and spent money, we award a cost of Rs 1000/- on the respondents to be paid to the applicant within 31st January, 1998.

The application is disposed of at the stage of admission itself in line with above direction and observation.


(D. Purkayastha)
Member(J)


(B.C. Sarma)
Member(A)