

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.826 of 1996

Date of order : 29.4.2002

Present : Hon'ble Mr. B.P. Singh, Administrative Member

Hon'ble Mr. M.L. Chauhan, Judicial Member

KIRITI BHUSAN ROYCHOUDHURY

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. S. Bhattacharya, counsel

For the respondents : Mrs. U. Sanyal, counsel

O R D E R

We have heard the ld. counsel for both sides.

2. When this matter was taken up for consideration, ld. counsel for the respondents raised objection for the multiple reliefs claimed in the O.A.

3. Ld. counsel for the applicant has submitted that the applicant has already been promoted to the post of Chargeman Gr.I and his pay and other allowances have been fixed accordingly. Therefore, his client's ~~claim~~ is now limited to the refund of the two increments withheld for 2 years in the grade of Chargeman Gr.II because the two increments for 2 years have also been withheld while fixing the pay in the grade of Chargeman Gr.I. In other words, his contention is that for the same penalty the applicant has suffered loss of two increments in the grade of Chargeman Gr.II and also in the grade of Chargeman Gr.I. Therefore, the ld. counsel for the applicant has submitted

that whatever recovery was made by way of withholding two increments for two years in the grade of Chargeman Gr.II, should be refunded to him by the respondents.

4. Ld. counsel for the respondents have not filed any reply and it has been submitted that nobody from the department has come to assist her today. However, she has no objection regarding the above prayer in case the same is factually correct.

5. The matter has been pending for decision before this Tribunal since 1996 which has boiled down to the prayer mentioned above. We cannot allow this matter to linger on on the ground that no reply has been filed by the respondent authorities so far. We find that the prayer of the applicant is reasonable and the same should be considered in case the same is factually correct. We, therefore, find it a fit case to give direction to the respondent authorities to consider the prayer of the applicant and to pass a suitable order in this matter according to rules within a specific period.

6. In view of the above, we direct the applicant to make a brief factual representation claiming the aforesaid relief with supporting documents to the respondent No.2 with copies to the respondent No.3 and 4 within a period of 4 weeks from the date of communication of this order. The respondent authorities are directed to consider the same and pass a justified order as per rules within a period of 8 weeks from the date of receipt of the representation from the applicant and communicate the same