

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH,

No. OA 303 of 96

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

Hon'ble Mr. B.P. Singh, Administrative Member -

SUSHIL KR. DASGUPTA

VS

UNION OF INDIA & ORS.

For the applicant : Mr. B.C. Sinha, counsel

For the respondents: None

Heard on : 22.12.99

Order on : 22.12.99

O R D E R

S.N. Mallick, VC

This matter is taken up for final disposal today.

It may be noted that inspite of repeated chances being given to the respondent authorities, no reply has been filed as yet. It, however, appears from the record that one Mr. S. Sen, ld. counsel has filed power on behalf of the respondents. He is also not present today.

2. In this OA the petitioner has prayed for the following reliefs :

- a) Be pleased to direct the respondents to draw and pay the arrears from 1.9.85 onwards in terms of the O.O. dated 24.4.90 (Annexure A/2)
- b) Be pleased to direct the respondents to allow exercising revised option to come over to the revised scales of pay under the changed context in terms of the extant rules; grant consequential benefits including retiral benefits.

3. Mr. B.C. Sinha, ld. counsel appearing for the petitioner submits an instruction that he does not press the relief 8(b) and as such the prayer 8(b) is treated to be not pressed.

4. The <sup>core</sup> main grievance of the petitioner as urged by Mr. Sinha is that the petitioner while working as OS Grade-II got a

promotion to the post of Head Clerk w.e.f. 1.1.84 as per order passed by the respondent authorities dated 24.4.90 (Annexure A/2). The promotion was to take effect on and from 1.1.84 but it was directed there that arrears should be drawn from 1.1.85 onwards. The grievance of the petitioner is that the respondent authorities have not given him the arrears on the basis of the aforesaid order w.e.f. 1.9.85 and the amount remains unreleased as yet. Mr. Sinha while arguing this case has drawn our attention to an order received by his client during the pendency of this application issued by the respondent authorities on 2.12.99 wherein the respondents in reference to the instant OA has informed the petitioner that an amount of Rs.2704/- has been passed for payment and the petitioner was requested to receive the said payment from the authorities, but the said order is silent about the nature of such payment and whether it relates to the arrears claimed in the instant OA. <sup>on not.</sup> Under such circumstances we cannot take ~~note~~ <sup>note</sup> of this order. <sup>however,</sup> A copy of this order produced by Mr. Sinha be kept on record. As the respondents have not contested this OA by filing a reply and as there is none to represent the respondents, ~~we~~ we have got to hold that the averments made in the OA has gone uncontroverted and there is no reason <sup>in not</sup> to accept the same.

5. Accordingly we dispose of the OA with a direction upon the respondents authorities to release all arrears and pay as contended in their office order dated 24.4.90 (Annexure A/2) to the petitioner w.e.f. 1.9.85 onwards within 8 weeks from the date of communication of this order and the said sum shall bear interest @ 10% per annum from 1.9.85 till the actual date of payment. We make it clear that if any sum has been paid to the petitioner towards aforesaid arrears <sup>now</sup> the sum shall be adjusted to the amount to be released to the petitioner. No order as to costs.



MEMBER (A)

in



VICE-CHAIRMAN