

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00 622 of 2017

IN THE MATTER OF:**MOUMITA DAS,**

aged about 32 years, daughter of Shri Subhash Das, residing at Badra, Sukanta Sarani. 2nd Bye-Lane, Post Office- Italgacha, Police Station- Dum Dum, Kolkata- 700079 and presently working to the post of Auditor in the Administration Section with effect from 01.04.2016 in the office of the Principal Director of Commercial Audit & Ex-officio Member Audit Board-II, Old Nizam Palace, 234/4, Acharya J.C. Bose Road, Kolkata- 700020;

...Applicant

-Versus-

1. **UNION OF INDIA** service through the Comptroller and Auditor General of India, Indian Audit and Accounts Department, Pocket 9, Deen Dayal Upadhyaya Marg, New Delhi-110124.

2. **THE / PRINCIPAL ACCOUNTANT GENERAL (A&E)**, West Bengal, Treasury Buildings, 2, Govt. Place (West), Kolkata - 700 001;



Moumita Das

3. THE PRINCIPAL DIRECTOR

COMMERCIAL AUDIT & EX-OFFICIO

MEMBER AUDIT BOARD-II, Old Nizam
Palace, 234/4, Acharya J.C. Bose Road,
Kolkata- 700020.

4. THE DIRECTOR (ADMINISTRATION) in
the Office the Principal Director of
Commercial Audit & Ex-Officio Member
Audit Board-II, Old Nizam Palace, 234/4,
Acharya J.C. Bose Road, Kolkata- 700020.

5. THE SENIOR AUDIT OFFICER in the
Office The Principal Director of Commercial
Audit & Ex-Officio Member Audit Board-II,
Old Nizam Palace, 234/4, Acharya J.C.
Bose Road, Kolkata- 700020.

...Respondents.

[Handwritten signature]

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/622/2017

Date of order : 27.6.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member

For the applicant : Mr.P.C.Das, counsel
Ms.T.Maity, counsel

For the respondents: Mr.S.K.Bhattacharya, counsel

O R D E R (ORAL)

Heard Mr.P.C.Das, ld. Counsel along with Ms.T.Maity, ld. Counsel appearing for the applicant and Mr.S.K.Bhattacharya, ld. Counsel appearing for the respondents.

2. Mr.Bhattacharyya by reiterating the stand taken by Mr.S.Basu, ld. Counsel for the respondents on the last occasion i.e. on 16.6.2017 raised a preliminary objection to the maintainability of this OA by stating that this OA cannot be admitted/entertained being hit by the provisions of Section 20 of the Administrative Tribunals Act, 1985 as the applicant has never filed any representation before any authority as claimed by her. To fortify his stand Mr.Bhattacharyya brought to my notice the biometric attendance system sheet to show that on 17.3.2017 the applicant has not gone to the office.

3. On the other hand Mr.Das ld. Counsel for the applicant strenuously argued that the applicant had no occasion to misguide this Tribunal and the representation which has been preferred by her under Annexure A/16 infact has been delivered to the office of the respondents. On being questioned whether any receipt has been issued or any date stamp showing the receipt at the despatch counter has been obtained, Mr.Das fairly submitted that the office of the respondents has not given any stamp though it has been submitted in the office of the respondents.

4. Taking into account such submissions made by both the ld. Counsel, I do not think it will be prejudicial if the OA is allowed to be disposed of by directing the respondents No. 3 & 4 that if any such representation has been

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preferred on 17.3.2017 and the same is still pending consideration then the same may be considered and disposed of as per the rules governing the field and the result be communicated within a period of 4 weeks from the date of receipt of the copy of this order.


5. I also make it clear that I have not entered into the merit of the matter and all the points raised in the said representation stated to have been made, addressed to the respondents No. 3 & 4 are kept open before these authorities to consider the same as per rules.

6. Though I have not expressed any opinion on the merit of the matter, still then I make it clear that after such consideration if the applicant's grievance is found to be genuine, then expeditious steps may be taken within a period of 2 weeks from the date of such consideration and the benefits be extended to the applicant within a period of 2 weeks from the date of such consideration.

7 As the OA is finally disposed of therefore there is no occasion for extension of interim order passed on 16.6.2017 followed by the order dated 21.6.2017, but I hope and trust that the respondents will not take any coercive action against the applicant till the representation stated to have been made and pending consideration, is disposed of and the result of the same is communicated to the applicant.

8. With the above observation and direction the OA is disposed of. No costs.

9. As prayed for by Mr.Das a copy of this order along with the paper book of this OA be transmitted to respondent No.3 & 4 by Speed Post for which he will deposit the cost with the Registry.


(A.K.PATNAIK)
JUDICIAL MEMBER

In