O.A. No. 350/645/2018
M.A. No. 350/334/2018

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARTS OF THE APPLICANT:

Uma Bose (Kanjilal), wife of D Bose, aged about 64 years, worked as Grade-B, Operator, Under Dy. Director, Salt Lake, residing at 13, Regent Place, Regent Park, Tallygunge, Kolkata 700 040, West Bengal

.... *APPLICANT*

**V E R S U S**

(i) The Union of India, through the Secretary, Ministry of Home Affairs, North Block, New Delhi - 1

(ii) The Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi - 1

(iii) The Director, Directorate of Census Operations, West Bengal Jagannath Bhavan, 1B, 199, Sector, Saltlake City, Kolkata 700 106

..... *RESPONDENTS*

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/645/2018 Date of order : 04.06.2018
M.A.350/334/2018

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

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. B.P. Manna, counsel

**O R D E R (ORAL)**

**A.K. Patnaik, Judicial Member**

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"(i) Office Order being file no.A-13/19/2013-AD iii (Pt 1.089) dated 21.09.2016 issued by Respondent no.1 cannot be sustained in the eye of law and same may be quashed;

(ii) An order do issue directing the respondents to grant benefit of 2nd ACP in the Grade Pay of Rs.5400 instead of Rs.4600/- with effect from 19.01.2008 and 3rd MACP in the grade pay of Rs. 6600/- with effect from .....and to grant arrears."

2. The applicant has also filed an M.A.No.350/334/2018 praying for condonation of delay in filing the O.A.

3. Heard ld. counsel Mr. A. Chakraborty leading Ms. P. Mondal, ld. counsel for the applicant. Mr. B.P. Manna, ld. counsel for the official respondents No.1 and 3 is also present and heard.

4. Mr. B.P. Manna appearing on behalf of the respondents strongly objected to the M.A. for condonation of delay stating that the applicant has approached this Tribunal at a belated stage.

5. As this matter pertains to financial benefits, it is a case of recurring cause of action and in such cases question of delay does not arise at all. Accordingly the M.A. is allowed.

6. So far as the O.A. is concerned, Mr. A. Chakraborty appearing on behalf of the applicant submitted that the applicant was initially appointed as an Operator under the respondents w.e.f. 19.01.1984 and she was granted 1st and 2nd ACP on 09.08.1999 and on 19.01.2008 respectively. Mr. Chakraborty further submitted that some employees got the benefit of 2nd ACP in the Grade Pay of Rs.4600/- but subsequently they have been given the benefit of Grade Pay of Rs.5400/- after withdrawing the earlier Grade Pay of Rs.4600/-. The grievance of the applicant is that although she got the benefit of 2nd ACP, he was not granted the Grade Pay of Rs.5400/- on the ground that he did not fulfil the promotional norms and also deprived of getting the 3rd MACP benefit in the Grade pay of Rs.6600/-. Mr.Chakraborty submitted that the grievance of the applicant would be more or less satisfied if he is permitted to file a comprehensive representation to the Respondent No.2 ventilating her grievances therein and the said authority is directed to consider and dispose of the same as per rules/guidelines in force and well settled position of law within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if such prayer of the ld. counsel for the applicant is allowed.

7. Accordingly liberty is given to the applicant to make a comprehensive representation to the Respondent No.2 i.e. the Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New

Delhi within 2 weeks enclosing necessary documents and relevant judgments of Hon'ble courts. If such representation is preferred by the applicant within 2 weeks, then the Respondent No.2 or any other competent authority is directed to consider and dispose of the representation of the applicant as per rules and guidelines in force, keeping in view the well settled positions of law and the judgments of Hon'ble courts and communicate the decision to the applicant by way of a well reasoned order within a period of six weeks from the date of receipt of the representation. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, if any, the respondent authorities shall grant such benefits to her within a further period of six weeks from the date of taking decision in the matter.

8. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. With the above observations and directions, the O.A. is disposed of. The applicant may annex a copy of this order along with the representation to be filed by him to the respondent authorities.

10. As prayed, a copy of this order be handed over to ld. counsel for both sides.

**( A.K. Patnaik)**
**Judicial Member**

sb