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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

An Application Under Section 19 of the Administrative Trib

O. A. No. 676 of 2017

In the matter of:

Abhijit Mallik, son of late D.C
Mallik, residing at No.1 Doctors'
Lane, Akhan Bazar, Chinsurah,
District - Hooghly, PIN:712101

..... APPLICANT

- V E K S U S -

1. National Projects
Construction Corporation Ltd (a
Government of India Enterprise)
through the Chairman and
Managing Director, having office at
Plot no.67-68, Sector-25, Faridabad,
Haryana-121004

2. The Chairman and Managing
Director NPCC Limited, having

WAL

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registered office at NPCC Limited,

Raja House, 30-31, Nehru Place

New Delhi-110019

3. The Chief Manager (HR),

NPCC Limited, having office at Plot

no.67-68, Sector-25, Faridabad,

Haryana-121004

4. The Zonal Manager, NPCC

Limited Eastern Zonal Office

having office at 3A, Dr. S.N. Roy

Road, Kolkata-700029

5. The Projects Manager, NPCC

Limited, Teesta P.S III, Unit P.O-

Islampur, District: Uttar Dinajpur

Pin:733202 at present office at TRB

Unit, Falakata Main Road, Opposite

Mini Bus stand, Falakata, Jalpaiguri,

PIN:735211

6. The Project Manager, NPCC

Limited, PMGSY Work, Buxar Unit,

Durgawati Sadan, Gajadharganj,

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Ambedkar Chawk, Buxar, Bihar,
PIN:802103

7. The Accounts Officer, NPCC Limited, Teesta-III, Units having office at P.O-Islampur, District: Uttar Dinajpur, Pin:733202 and presently having office at NPCCL, Matigara Base Workshop Unit, Paribahan Nagar, Post Office - Matigara, District - Darjeeling, PIN - 734010.

8. The Zonal Manager, NPCC Limited, Bihar Zonal office, 15, I.A.S Colony, Near Syndicate Bank, Kidwaipur, Patna, PIN:800001

9. The Assistant Manager (Finance), NPCC Limited PMGSY Works, Buxar Unit, Durgawati Sadan, Gajadharganj, Ambedkar Chawk, Buxar, Bihar, PIN:802103

..... RESPONDENTS

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No. O.A. 350/00676/2017

Date of order: 19.7.2017

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

For the Applicant : Mr. J. Acharya, Counsel
Ms. S. Mukherjee, CounselFor the Respondents : Ms. R. Shroff, Counsel
Mr. S. Kumar, Counsel**ORDER (Oral)****Per A.K. Patnaik, Judicial Member:**

Heard Mr. J. Acharya along with Ms. S. Mukherjee, Ld. Counsel appearing for the applicant and Ms. R. Shroff along with Mr. S. Kumar, Ld. Counsel appearing for the respondents.

2. This O.A. has been filed by Shri Abhijit Mallik, residing at No. 1 Doctors' Lane, Akhan Bazar, Chinsurah, District - Hooghly challenging inaction on the part of the respondent authorities in not releasing the interest on delayed payment on a sum of Rs. 7,12,541.50 which was deducted from his retiral dues and salary on alleged account of Shortage of Materials at Site (MAS) balance. This O.A. has been filed praying for the following reliefs:

"a) Appropriate order be passed directing the respondent authorities to pay interest @ 12% per annum on Rs. 7,12,541.50 which was deducted from the retiral benefits of the applicant with effect from the date of retirement of the applicant till the date of actual payment.

b) Pass an order directing the respondents to immediately consider the letter dated 10.4.2017 of the applicant in accordance with law by passing a reasoned order after giving an opportunity of hearing to the applicant.

c) Any such other or further order or orders, direction or directions as Your Lordships may deem fit and proper."

3. The facts in a nut shell as per Mr. J. Acharya, Ld. Counsel for the



applicant are that the applicant was appointed as Supervisor (Grade-I) on 10.6.1977 in National Projects Construction Corporation Ltd. The Accounts Officer Testa PS III Unit by an "Advise of Transfer Debit" dated 28.10.2009 decided that a sum of Rs. 7,12,541/- be adjusted for him for cost of MAS (Materials at Site) Balance recovery. Thereafter the applicant retired from service on 30.4.2010 but the respondent authorities deducted a sum of Rs. 7,12,541/- for cost of MAS Balance recovery and also deducted a sum of Rs. 34,795/- towards recover against Imprest/Personal Account from his salary and terminal benefits. Aggrieved by the said inaction on the part of the respondents the applicant approached this Tribunal by filing T.A. 66 of 2015 and his matter was disposed of on 27.11.2015. Thereafter he filed a Contempt Petition No. 258 of 2016 which was disposed of and he was paid his due amount on 10.2.2017, but the interest on delayed payment of the said amount has not been paid to him.

4. Mr. S. Mitra, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 3 to dispose of the representation dated 25.07.2016 within a specific time frame.

5. Since the applicant is a senior citizen, I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 2, that if any such representation have been preferred on 10.04.2017 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of six weeks from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period



of six weeks to extend the benefits to the applicant. However, if in the meantime, the representation stated to have been preferred on 10.04.2017 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

6. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. J. Acharya undertakes to deposit necessary cost in the Registry by Friday.

8. With the aforesaid observation and direction, the O.A. is disposed of.

(A.K. Patnaik)
Judicial Member

SP