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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
KOLKATA BENCH.

OA - 813/2017

DETAILS OF THE APPLICATION:

PARTICULAR OF THE APPLICANTS:

Dolly Mukherjee, wife of Late A. Mukherjee, residing at 2/76,
Sucheta nagar, P.O.-Haltu, Kolkata-700078.

...APPLICANT.

-VERSUS-

PARTICULAR OF THE RESPONDENTS:

1. Union of India, service through the Secretary, Ministry of Culture, C Wing,
Shastri Bhawan, New Delhi-110015
2. The Secretary, Lalit Kala Academy (National Academy of Art), Rabindra
Bhawan, 35 Ferozeshah Road, New Delhi-110001.
3. The Assistant Secretary (Accountant), Lalit Kala Academy (National Academy of
Art), Rabindra Bhawan, 35 Ferozeshah Road, New Delhi-110001..
4. The Regional Secretary, Lalit Kala Academy (National Academy of Art),
Regional Centre, 361, Keyatala Lane, Kolkata-700029.

...RESPONDENTS.

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No. O.A. 350/00813/2017

Date of order: 20.7.2017

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

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

O R D E R (Oral)**Per A.K. Patnaik, Judicial Member:**

Heard Mr. A. Chakraborty, Ld. Counsel appearing for the applicant.

Mr. S. Ghosh, Regional Secretary, Lalit Kala Academy, Regional Centre, Kolkata is present in Court today and he submitted that recently he has received a copy of the O.A. and, accordingly, the authorities could not engage a Counsel to argue the matter on their behalf.

2. This O.A. has been filed by Dolly Mukherjee, residing at 2/76, Sucheta Nagar, P.O. Haltu, Kolkata challenging the Office Order Part II No. 50 dated 24.2.2014 issued by the respondent No. 2, Office Order bearing No. LK/003/87/Pension/Admn. Dated 23.12.2014 issued by the respondent No. 2, Office Order Part II No. 98/2016 dated 27.7.2016 issued by the respondent No. 3 and Office Order No. LK/4002/90/Pension/Actt. Issued by the respondent No. 3. This O.A. has been filed praying for the following reliefs:

- A) Office Order Part II No. 50 dated 24.02.2014 issued by the respondent No. 2 is not tenable in the eye of law and as such the same may be quashed.
- B) Office Order being No. LK/003/87/Pension/Admn dated 23.12.2014 issued by the respondent No. 2 is not tenable in the eye of law and as such the same may be quashed.
- C) Office Order Part II No. 98/2016 dated 27.07.2016 issued by the respondent No. 3 is not tenable in the eye of law and as such the same may be quashed.
- D) Office Order No. LK/4002/90/Pension/Actt. Issued by the respondent No. 3 is not tenable in the eye of the law and as such the same may be quashed.



E) An order do issue directing the respondents to refund back the petitioner forthwith with the amount that has already been recovered from the monthly pension of the applicant on the ground of excess payment.

F) An order do issue the respondents to fix the pension of the applicant according to the scale of pay she was receiving at the time of her retirement with Grade Pay of Rs. 4200/-."

3. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that the applicant was initially appointed on 23.1.1985 as Lower Division Clerk. She was promoted to the post of Upper Division Clerk in the month of February, 1989. She retired from service w.e.f. 30.9.2012. At the time of her retirement her scale of pay was Rs. 9300-34800/- with Grade Pay of Rs. 4200/- but after lapse of nearly two years of her retirement, she was served with one Office Order dated 24.2.2014 re-fixing his pay and pension under Grade Pay of Rs. 2800/- Her pension was revised accordingly and she was intimated that an amount of Rs. 72,420/- would be recovered from her. She preferred a representation dated 16.12.2016, which is still pending consideration.

4. Mr. A. Chakraborty, 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 16.12.2016 within a specific time frame.

5. I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 3, that if any such representation have been preferred on 16.12.2016 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

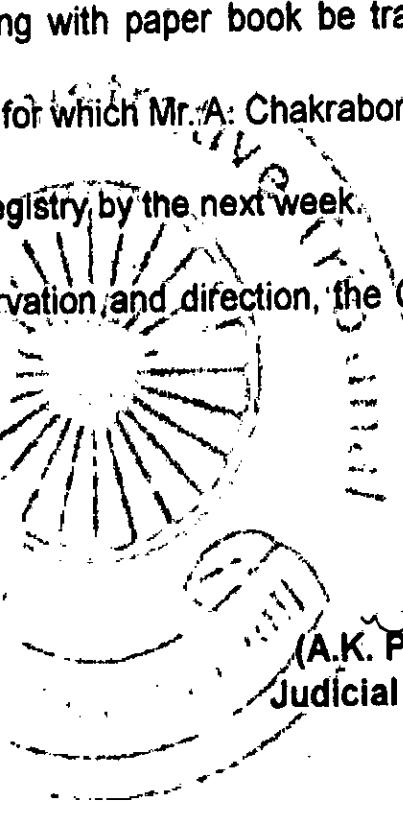
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taken within a further period of six weeks to extend the benefits to the applicant. However, if in the meantime, the representation stated to have been preferred on 16.12.2016 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order. Till the representation is considered and disposed of there shall be no further recovery.

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. 3 by speed post for which Mr. A. Chakraborty undertakes to deposit necessary cost in the Registry by the next week.

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



(A.K. Patnaik)
Judicial Member

SP