

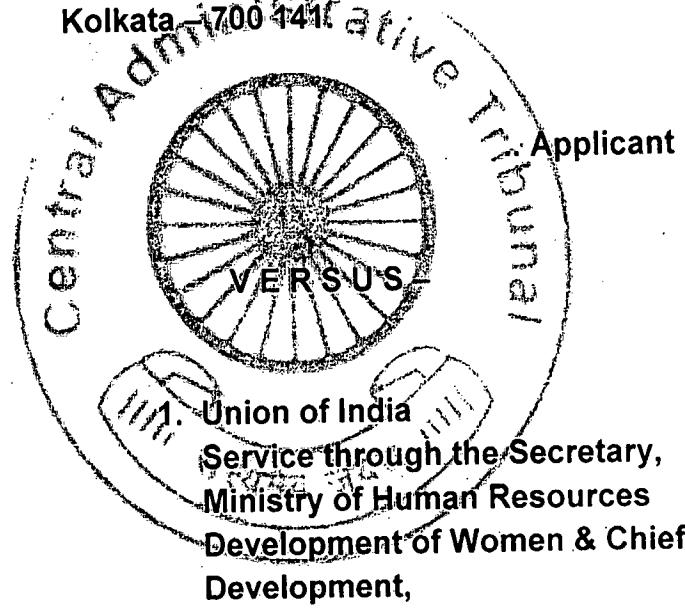
CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 860 of 2018

Date of order : 9/08/2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Bimalendu Basak,
 Son of Late Golak Behari Basak,
 Aged about 72 years since retired on 30.9.2006
 As Assistant Technical Adviser,
 Community Food & Nutrition Extension Unit,
 Guwahati and
 Residing at A-15, Sarada Park Road,
 P.O. Jote Shibrampur,
 P.S. Maheshtala,
 Kolkata - 700 141



2. Under Secretary to
 Govt. of India (NA),
 Ministry of Women & Child
 Development, Jeevandep Building,
 Parliament Street,
 New Delhi - 110 001.
3. Dy. Technical Adviser (ER),
 Ministry of Human Resource Development,
 Department of Woman & Child
 Development, Food & Nutrition Board,
 8, Esplanade East,
 Kolkata - 700 069.
4. Pay & Accounts Officer,

[Signature]

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Department of Women & Child
Development, 8, Esplanade East,
Kolkata - 700 069.

.. Respondents

For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : Mr. S. Paul, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant O.A. has been filed under Section 19 of the Administrative
Tribunal Act, 1985 praying for the following relief:-

"(i) An order directing the respondents to cancel, rescind, withdraw or
set aside the purported order dated 18.1.2006 along with Office Orders No.
329 dated 7.3.2006 with annexures, purported O.M. dated 23.9.2013,
Office Order No. 08 dated 24.5.2016, ACP Statement, due drawn
statement as also directing the respondents to refund the
deducted/recovered amount immediately with statutory interest thereon
since the date of said deduction to the actual date of payment;
(ii) An order directing the respondents to implement the judgment and
order dated 14.9.2007 of Hon'ble CAT Madras Bench being squarely
applicable and upheld by Hon'ble Higher forum;
(iii) An order directing the respondents to extend the benefits of the
judgment passed by the different Hon'ble Courts on immediate basis;
hence revise the Pension Pay order through revival of the 2nd ACP and pay
all consequential benefits with statutory interest thereon."

2. Ld. Counsel for both sides are present; perused documents and pleadings on record.
3. Ld. Counsel for the applicant submits that the applicant had submitted an on-line representation on 7.1.2018 praying for restoration of original ACP Scheme and refund of withheld Gratuity and other consequential benefits (Annexure A-8 to the O.A.) and that there are several pronouncements that the applicant has been cited in his support (Annexure A-7 colly. to the O.A.).

In particular, the Ld. Counsel for the applicant refers to the following judicial pronouncements:-

hsl

Central Administrative Tribunal, Principal Bench:-

- (i) O.A. No. 478 of 2006 Smt. S.L. Jain v. Union of India & ors.
- (ii) O.A. No. 479 of 2006 Smt. Anju Dhali v. Union of India & ors.
- (iii) O.A. No. 480 of 2006 Shri Kunwar Sen v. Union of India & ors.
- (iv) O.A. No. 477 of 2006 Shri Ashok Kumar Braroo v. Union of India & ors.

Central Administrative Tribunal, Madras Bench:-

- (v) O.A. No. 197 of 2006 G. Uma Maheswar Rao v. UOI & ors.
- (vi) O.A. No. 198 of 2006 T.R. Rajendran v. UOI & ors.
- (vii) O.A. No. 199 of 2006 V. Eswarayya v. UOI & ors.
- (viii) O.A. No. 200 of 2006 Suman Shukla v. UOI & ors.

Central Administrative Tribunal, Kolkata Bench:-

- (ix) O.A. No. 712 of 2013 Sasanka Sekhar Pore v. U.O.I. & ors.

Hon'ble High Court of Madras:-

- (x) WPCT No. 10255 of 2008 G. Uma Maheswar Rao
- (xi) WPCT No. 9936 of 2008 T.R. Rajendran
- (xii) WPCT No. 9937 of 2008 Suman Shukla

Hon'ble Apex Court:-

- (xiii) Civil Appeal Nos.

2488, 2491 and 2492-93/2009 UOI & ors. V. Kunwar Sen & anr. Etc.

Ld. Counsel for the applicant further submits that the applicant's purpose will be served if a direction is issued to the competent respondent authority, namely, respondent No. 2 to arrange for disposal of his ^{online} representation in a time bound manner.

4. Ld. Counsel for the respondents does not object to the same.
5. Accordingly, without entering into the merits of the case, we hereby direct the respondent No. 2, namely, the Under Secretary to the Government of India (NA), Ministry of Women & Child Development to obtain a reasoned and

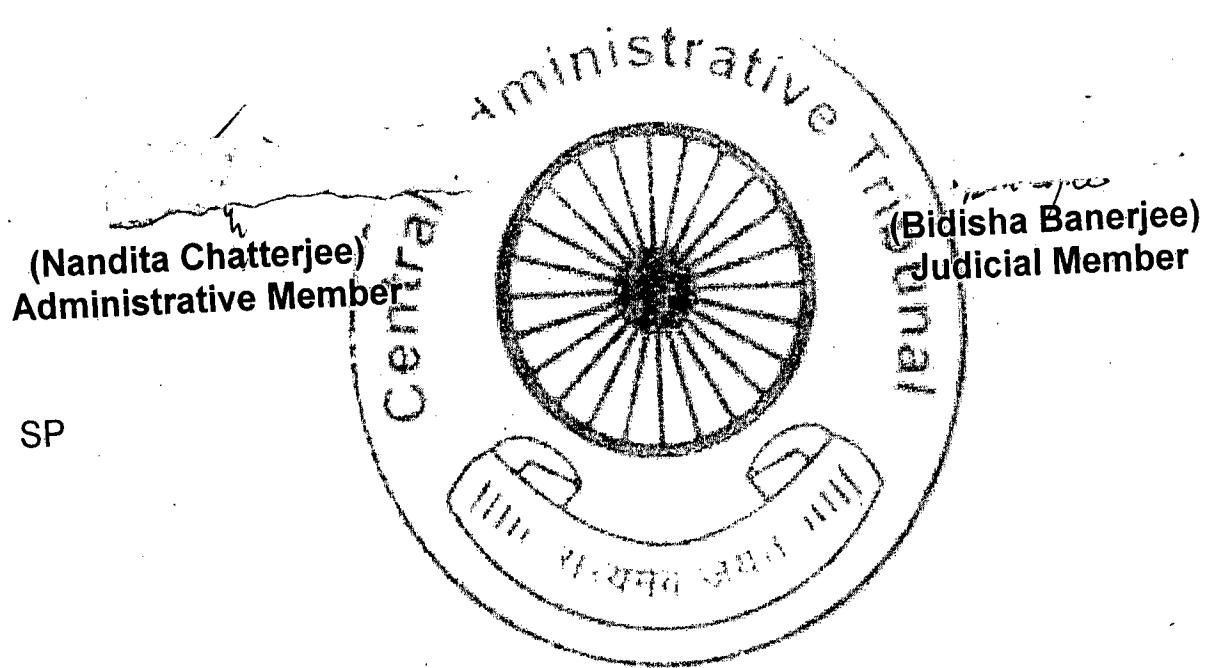
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speaking order issued in accordance with law from the competent authority within a period of six weeks from the date of receipt of this order and to communicate the decision forthwith to the applicant.

The judicial pronouncements as cited by the applicant in this Original Application should be referred to while deciding on the prayer of the applicant.

6. As prayed for by Ld. Counsel, a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Das, Ld. Counsel for the applicant undertakes to deposit necessary costs in the Registry by the next week.

7. The O.A. is disposed of accordingly. There will be no order as to costs.



SP