

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 350/00066/2015

Date of order : 27.11.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ABHIJIT MALLIK

VS.

UNION OF INDIA &amp; ORS. (NPCCL)

For the Applicant : Mr. J. Acharya, Counsel

For the Respondents : Ms. R. Sharaff, Counsel

**ORDER (Oral)****Per Mr. Justice G. Rajasuria, Judicial Member:**

Heard both sides.

2. This O.A. has been filed seeking the following directions:-

i) Pass an order/direction commanding the respondents and each one of them to refund Rs. 712542.50/- and Rs. 33795/- with interest from the date of deduction till the date of disbursement and to act in accordance with law by acting in the manner as stated hereinabove;

ii) Pass an order / direction commanding the respondents and each one of them to pay a sum of Rs. 28000/- towards T.A. bill of the applicant with interest from the date of submission of the bill till the date of disbursement;

iii) Pass an order / direction commanding the respondents and each one of them Pass an order / direction commanding the respondents and each one of them to forthwith and/or immediately certify and / or transmit to this Hon'ble Tribunal the entire records and/or proceedings forming subject matter of the instant case so that conscionable justice may therein be administered by setting aside and/or quashing the impugned 'Advise of Transfer Debit' (ATC) dated 25.11.2009 being Annexure 'P-25' and 'P-26' hereto;

iv) Pass an order / direction commanding the respondents and each one of them to forthwith and/or immediately certify and / or transmit to this Hon'ble Tribunal the entire records and / or proceedings forming subject matter of the instant case so that conscionable justice may therein be administered by setting aside and / or quashing the impugned decision of the respondents not to refund Rs. 712542.50/- and Rs. 33,795/- with interest from the date of deduction till the date of disbursement in favour of the applicant;

v) Pass an order / direction commanding the respondents and each one of them to consider the appeal dated 11.12.2009 and / or 30.4.2010 and / or

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the appeal dated 28.7.2011 preferred by the applicant and to act in accordance with law by acting in the manner as stated hereinabove;

vi) Order for cost and incidental to this application to be paid to the applicants by the respondents;

vii) Such further or other order or orders as Your Lordships may deem fit and proper."

3. The nitty-gritty, the gist and kernel of the germane facts absolutely necessary for disposal of this O.A. would run thus:

The applicant retired from the service of NPCCL w.e.f. 30.4.2010. Even before his retirement as Engineer, it so happened that while paying arrears of salary by the management to him a sum of Rs. 712542.50 and Rs. 33795/- were recovered without resorting to any disciplinary proceedings.

4. According to the Ld. Counsel for the applicant he submitted a representation which the applicant calls it as appeal dated 28.7.2011 to the Chairman & Managing Director, NPCC Ltd. for which still there is no reply. Ld. Counsel would expound and explain that initially a Writ Petition was filed before the Hon'ble Calcutta High Court on 14.5.2014 inadvertently without taking note of the notification dated 25.7.2013 subjecting the Corporation also within the jurisdiction of Central Administrative Tribunal.

5. Hence, the Hon'ble High Court gave direction to approach the Central Administrative Tribunal and in that process there appears to be some delay which is not huge. Whereas the Ld. Counsel for the respondents would try to insist upon the limitation point.

6. In our considered opinion in matters of this nature limitation point cannot be insisted upon by the Government authorities and here the government servant is claiming his mandatory dues as against the Government Corporation.

7. As of now, the prayer of the applicant is innocuous to the effect that direction might be given by the CAT to the Chairman & Managing Director, NPCC Ltd. to dispose of the appeal by a detailed speaking order.



8. We could see considerable force in his submission and, accordingly, the following direction is given without deciding the matters on merits as of now.

9. By way of abundant caution the applicant is directed to enclose copy of Annexure A-37 the representation / appeal dated 28.7.2011 to the Chairman & Managing Director, NPCC Ltd within a period of 15 days from the date of receipt of a copy of this order and within a period of two months thereafter, the latter shall dispose of the matter after giving a personal hearing to the former.

10. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)  
MEMBER(A)

(G. Rajasuria)  
MEMBER(J)

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