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D.A./350/946/2016

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, NIZAMPALACE, CALCUTTA

Original Application No. 746 of 2016

IN THE MATTER OF:

1. Dr. Lal Mohan Saha, aged about 61 years,
son of Late Aswini Kumar Saha, Scientist-D
(Retd.), Central Silk Board residing at the C/O
Dr. Subhra Chandra at CSR&TI Staff Quarter
No. Type-IV/2, Berhampore - 742101, West
Bengal.
2. Shri Niharendu Bikash Kar, aged about 57
years, son of Late Nikhil Bandhu Kar,
Scientist-D (R&S), CSR & TI, Berhampore,
West Bengal residing at CSR&TI Staff Quarter
No. Type-IV/8, Berhampore - 742101, West
Bengal.
3. Dr. Rita Banerjee (Nandy), aged about 55
years, daughter of Late Sunil Banerjee,
Scientist-D, CSR & TI, Berhampore, West
Bengal residing at CSR&TI Staff Quarter No.
Type-II/1, Berhampore - 742101, West Bengal.
4. Dr. (Mrs.) Subhra Chanda, aged about 57
years, daughter of Shri Bhupendra Mohan

Niharendu Bikash Kar

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Chanda, Scientist-D, CSR & TI, Berhampore,
West Bengal residing at CSR&TI Staff Quarter
No. Type-IV/2, Berhampore - 742101, West
Bengal.

5. Shri Debashis Chakravarty, aged about 52
years, son of Late M.L. Chakravarty Scientist-
D, CSR & TI, Berhampore, West Bengal
residing at 24, Sahid Surya Sen Road,
Berhampore-742101, West Bengal.

6. Mr. Zakir Hossain, aged about 53 years,
son of Late Asgar Hossain, Scientist-D, CSR &
TI, Berhampore, West Bengal residing at
CAMELIA INN, 48/1/1, K.P. Chattaraj Road,
Gorabazar, Berhampore - 742101, West Bengal.

7. Dr. Jalaja S. Kumar, aged about 53 years,
daughter of Shri M.C.N. Menon, Scientist-D,
CSR & TI, Berhampore, West Bengal residing
at CSR&TI Staff Quarter No. Type-IV/5,
Berhampore - 742101, West Bengal.

8. Dr. Sandip Kumar Dutta, aged about 58
years, son of Late Hirendra Chandra Dutta,
Scientist-C, CSR & TI, Berhampore, West
Bengal residing at CSR&TI Staff Quarter No.
Type-III/20, Berhampore - 742101, West
Bengal.

Vikramendu Chakravarty

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9. Dr. N. Suresh Kumar, aged about 59 years, son of Shri N.M. Neelakantan Nair, Scientist-D, CSR & TI, Berhampore, West Bengal residing at CSR&TI Staff Quarter No. Type-IV/5, Berhampore - 742101, West Bengal.

10. Shri Debojit Das, aged about 52 years, son of Late Benoy Bhusan Das, Scientist-D, CSR & TI, Berhampore, West Bengal residing at CSR&TI Staff Quarter No. Type-II/4, Berhampore - 742101, West Bengal.

11. Dr. Mrinal Kanti Ghosh, aged about 57 years, son of Shri Sudhir Kumar Ghosh, Scientist-D, CSR & TI, Berhampore, West Bengal residing at 47/2, K.P. Chattaraj Road, Pancham Abasan, Gorabazar, Berhampore - 742101, West Bengal.

12. Dr. Anil Kumar Verma, aged about 54 years, son of Late Bhagwan Pd. Verma, Scientist-D, CSR & TI, Berhampore, West Bengal residing at Flat No. 403, Nandalaya, C.C. Lane, Berhampore - 742101, West Bengal.

13. Dr. Paritosh Kumar Ghosh, aged about 58 years, son of Late Nani Gopal Ghosh, Scientist-D, CSR & TI, Berhampore, West Bengal residing at S.N. Bagchi Road, Berhampore - 742101, West Bengal.

Vikram Chandra

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15. Shri Gopal Chandra Das, aged about 55 years, son of Late Arjun Chandra Das, Scientist-C, CSR & TI, Berhampore, West Bengal residing at 179, Chuanpur Ghoshpara, Berhampore - 742101, West Bengal.

16. Dr. Swapan Kumar Mukhopadhyay, aged about 60 years, son of Late Anil Baran Mukhopadhyay, Scientist-D (Retd.), Central Silk Board residing at B-12/278, Kalyani, Nadia - 741235, West Bengal.

17. Dr. Kalidas Mandal, aged about 57 years,
son of Late Sarat Chandra Mandal, Scientist-D,
Zonal Silkworm Seed Organization, Central
Silk Board, Maheshmati, Malda, West Bengal
residing at the H/O Shri Tapan Banerjee,
Bakultala Lane, Malda-732101, West Bengal

18. Shri Aloke Kumar Dutta, aged about 60 years, son of Late Hirendra Chandra Dutta, Scientist-C (Retd.), Central Silk Board, residing

Niharendu Bickart Kan

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Dr. Atul Kumar Saha, Scientist-D,

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Silkworm Seed Production Centre, Central

at Page Pattern, Pirojpur, Uttar Singatala,
Silk Board, Berhampore, West Bengal

Malda - 732101, West Bengal.

19. Dr. Ranjit Kar, aged about 54 years, son of

Late Manoranjan Kar, Scientist-D, CSR & TI,

Berhampore, West Bengal residing at CSR&TI

Staff Quarter No. Type-II/19, Berhampore -

742101, West Bengal.

20. Dr. Atul Kumar Saha, aged about 58 years,

son of Late Sanat Kumar Saha, Scientist-D,

Silkworm Seed Production Centre, Central

Silk Board, Berhampore, West Bengal residing

at CSR&TI Staff Quarter No. Type-IV/6,

Berhampore - 742101, West Bengal.

21. Dr. Samir Kumar Majumdar, aged about 58

years, son of Late Jogesh Chandra Majumdar,

Scientist-D, P₁ Basic Seed Farm, Central Silk

Board, Dhubulia, Nadia, West Bengal residing

at the H/O Mrs. Swapna Pal, Govt. Colony,

Dhubulia-741140, Nadia, West Bengal.

22. Dr. Goutam Kr. Chattopadhyay, aged

about 61 years, son of Late Sudhir Kr.

Chattopadhyay, Scientist-D (Retd.), Central

Silk Board residing at Jyoti Apartment Flat

No. 2A, Berhampore - 742101, West Bengal.

Niranjan Bikash Kar

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Bengal residing at CSR & TI Staff Quarter No.

23. Dr. Swapan Kumar Mandal, aged about 61

years, son of Late Sukumar Mandal, Scientist-

D (Retd.), Central Silk Board residing at C/O,

Sachi Nandan Bera, Chandrakona Road, P.O.
years, daughter of Shri Vaskar Sen.

Sal-Bankura, Dist. Paschim Midnapur, Pin:
Berhampore, West Bengal.

721253, West Bengal.

S.N. Bagchi Road, Berhampore

24. Dr. Monica Chowdhury, aged about 57

years, daughter of Late S.P. Mukherjee,

Scientist-D, CSR & TI, Berhampore, West

Bengal residing at CSR & TI Staff Quarter No.

Type-IV/4, Berhampore - 742101, West

Bengal.

25. Dr. (Mrs.) Jayeeta Sarkar, aged about 58

years, daughter of Shri Vaskar Sen, Scientist-

D, CSR & TI, Berhampore, West Bengal

daughter of Late Gour Chandra
residing at S.N. Bagchi Road, Berhampore -

742101, West Bengal.

26. Dr. Soumen Chattopadhyay, aged about 54

years, son of Late Arun Kumar Chatterjee,

Scientist-D, CSR & TI, Central Silk Board,

Berhampore, West Bengal residing at CSR & TI

Staff Quarter No. Type-II/8, Berhampore -

742101, West Bengal.

27. Dr. (Mrs.) Manoja Patnaik, aged about 49

years, daughter of Late Gour Chandra

Narendranath Patnaik

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Scientist-D, Research Extension Centre,

Kamnagat, Murshidabad, under CSR & TI,

Berhampur, West Bengal residing at
Patnaik, Scientist-D, REC Sub-Unit under CSR

& TI, Berhampur, Central Silk Board, Kalitha,

Birbhum, West Bengal residing at CSR&TI

Staff Quarter No. Type-II/19, Berhampur -

742101, West Bengal.

years. Late Md. Yeakub Hossain,

28. Dr. Tapati Datta Biswas, aged about 54

years, daughter of Late Dr. A.N. Datta,

Scientist-D, Research Extension Centre,

Kamnagat, Murshidabad under CSR & TI,

Berhampur, West Bengal residing at S.N.

Bagchi Road, Berhampur - 742101, West

Bengal.

Coochbehar, West Bengal residing at the

29. Dr. Md. Safikur Rahman, aged about 61

years, son of Late Md. Yeakub Hossain,

Scientist-C (Retd.), Central Silk Board residing

at 54/1/5, Nilmony Bhattacharjee Lane,

Kadai, Berhampur - 742101, West Bengal.

30. Dr. Soumendra Nath Bagchi, aged about 53

years, son of Late Birendra Nath Bagchi,

Scientist-D, REC, Central Silk Board,

Coochbehar, West Bengal residing at the H/O

Shri S. Sarkar, Burirpat, Khagrabari,

Coochbehar-736118, West Bengal.

Nikharendra Chikashkar

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years, son of Late Haripada Datta Gupta,
Scientist-C (R&S), SCTH, Central Silk Board,
M.K. Road, Malda, West Bengal.

31. Shri Ashis Kumar Pal, aged about 56 years,
son of Late Tarak Chandra Pal, Scientist-C
(R&S), SCTH, Central Silk Board, M.K. Road,
Malda, West Bengal residing at the H/O Shri
Rabindra Nath Kundu, Gour Road, Taltala,
Malda - 732101, West Bengal.

32. Shri Partha Datta Gupta, aged about 55
years, son of Late Haripada Datta Gupta,
Scientist-C (R&S), SCTH, Central Silk Board,
M.K. Road, Malda, West Bengal residing at the

H/O Shri Shibaji Roy, Sarbamangalapally,
Manaskamana Road (Beside Post Office),
Malda - 732101, West Bengal.

33. Shri Abhijit Sinhababu, aged about 59
years, son of Late Srikanta Sinhababu,
Scientist-D, BSM & TC, Central Silk Board,
Patelnagar, Birbhum, West Bengal residing at
the H/O Shri Hemendra Kumar Karmakar,
Vill: Angargoria, P.O. Kabilpur, Birbhum -
731132, West Bengal.

34. Dr. Basudeb Ghosh, aged about 61 years,
son of Late Srikanta Ghosh, Scientist-D (Retd.),
Central Silk Board residing at 119, Mata
Manmohini Nagar, Bon Hooghly, Baranagar,
Kolkata-700108, West Bengal.

Niharendu Chikash Kar

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35. Mrs. Chandana Maji, aged about 57 years, daughter of Late P.K. Saha, Scientist-D, Regional Sericultural Research Station, Central Silk Board, 7th Mile, Reshambari, Kalimpong, West Bengal residing at Office Quarter Type-IV, Kalimpong - 734301, West Bengal.

36. Shri Mrinal Kanti Majumdar, aged about 57 years, son of Late Rabindra Chandra Majumdar, Scientist-E (R&S), CSR & TI, Berhampore, West Bengal residing at CSR&TI Staff Quarter No. Type-V, Berhampore - 742101, West Bengal.

37. Dr. Manas Dev Maji, aged about 59 years, son of Late Mahadev Maji, Scientist-C, Regional Sericultural Research Station, Central Silk Board, 7th Mile, Reshambari, Kalimpong, West Bengal residing at Office Quarter Type-IV, Kalimpong - 734301, West Bengal.

38. Shri Akhil Bandhu Saha, aged about 57 years, son of Late Debendra Nath Saha, Scientist-D, CSR & TI, Central Silk Board,

Vill & P.O. Brahman Para, Birbhum - 731302,
West Bengal.

39. Shri Sudeb Chatterje, aged about 59 years,
son of Shri Chandra Sekhar Chatterjee,
Scientist-D, Regional Sericultural Research
Station, Central Silk Board, 7th Mile,
Reshambari, Kalimpong, West Bengal residing
at the Office Quarter Type-III, Kalimpong -
734301, West Bengal.

40. Dr. Sukhen Roy Chowdhuri, aged about 54
years, son of Late Manohar Roy Chowdhuri,
Scientist-D, CSR & TI, Berhampore, West
Bengal residing at the H/O Shri R. Adhikary,
56, Swarnamoyee Road, Berhampore-742101,
West Bengal.

-Versus-

1. Union of India, Service through
Secretary, Ministry of Textiles, Government of
India, Udyog Bhavan, New Delhi-110011.

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2. To The
Secretary, Ministry of Science and Technology,

Government of India, Technology Bhavan,
New Delhi-110016.

3. Member Secretary, Central Silk Board,
Ministry of Textiles, Government of India, CSB
Complex, BTM Layout, Madivala, Bangalore-
560068.

...Respondents.

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No.O.A/350/946/2016 Date : 16.05.2017

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

For the applicant : Mr. P. Banerjee, counsel

For the respondents : Mr.P. Mukherjee, counsel

ORDER(ORAL)

A.K. Patnaik, Judicial Member

This O.A. has been filed under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the action of the respondents in not extending the benefits of Flexible Complementing Scheme(FCS) to the applicants on the basis of the minutes of the 131st Meeting dated 19th August, 2015.

2. In this O.A. the applicants have prayed for the following reliefs:-

"a) Leave be granted to the Applicants to move this Application jointly by this single Application on the same cause of action under Rule 4(5)(a) of C.A.T.(Procedure) Rules, 1987;

b). A mandatory order directing the respondents and/or their agents to act in accordance with the decision of the 131st Meeting held on 19th August 2015 and to hold a meeting with the Applicants for taking a decision after giving an opportunity of hearing to the petitioners on the issue of implementation of the Flexible Complementing Scheme(FCS) on and from 30th July, 2001, the date when the said benefits had been extended to the Scientists of Central Silk Board Jharkhand and other states and/or for removing the disparity of the scale of pay including the other benefits which cropped up due to implementation of the Flexible Complementing Scheme to a particular class of Scientists attached with the different institutions in the different States under the Central Silk Board and for non extending the same to the petitioners;

c) Any other order and/or further orders as Your Lordships may seem fit and proper."

3. Heard Mr. P. Banerjee, Id. counsel for the applicants. Id. counsel Mr. P. Mukherjee is also present and heard.

4. Id. counsel for the applicants Mr. P. Banerjee advanced his arguments which could succinctly and precisely be set out thus:-

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After introduction of "Flexible Complementing Scheme" the benefits of the said Scheme was extended to the Scientists attached to different Central Silk Board offices on and from 30th August, 2006. Some of the Scientists of Central Silk Board, Ranchi preferred an application before the Central Administrative Tribunal, Patna Bench (Ranchi) being No.O.A.75 of 2008 whereupon an order was passed on 13.01.2009 by C.A.T., Patna Bench (Ranchi) to give effect of the Flexible Complementing Scheme to the applicants therein on and from 30.07.2001 and release the consequential benefits within 4 months from the date of receipt of the said order. The Central Silk Board challenged the said order in the Hon'ble High Court at Jharkhand, but their Writ Petition No.WP(S)2503/2009 was dismissed. The Central Silk Board took up the matter with the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.11219 of 2012 and the Hon'ble Supreme Court was pleased to dismiss the SLP. Thus, the order of the Tribunal in O.A.75/2008 attained its finality. Thereafter, the applicants of the present O.A. filed an O.A.No.1521 of 2013 before this Tribunal claiming for extension of similar benefits but their case was dismissed on 10.03.2015 on the ground of delay and on the ground that the Hon'ble Supreme Court had restricted their order to the applicants of O.A.No.75/2008 of C.A.T., Patna Bench only. But some of the Scientists of Central Silk Board, Odisha who had approached C.A.T, Cuttack Bench in O.A.No.959/2013 in the meantime claiming similar benefits, were granted the benefits of the said scheme on 06.08.2015 in view of the order of the Hon'ble Supreme Court. However, due to anomaly of the pay scale of the Scientists of the Central Silk Board for implementation of the Flexible Complementing Scheme, the Members of the said Board held a meeting for allowing the uniform implementation of the said Scheme to the Scientists of the

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respondents did not come forward in the pursuance of the decision taken by the said Board on 19th August wherein some members urged that the order of the Hon'ble Apex Court and also the order passed by C.A.T., Cuttack Bench should be taken as a guideline and the benefit should be extended to all eligible Scientists.

The Member Secretary contended that implementation of the Flexible Complementing Scheme to all the Scientists need budgeted allocation and approval of the Administrative Ministry. Therefore, the Board directed the Central Silk Board to hold discussions with the Scientists for out of Court settlement on mutual consent to short out the issues in consultation with the Ministry. But the respondents did not take any step on the basis of the decision taken in the said meeting. Therefore, the applicants approached this Tribunal claiming the aforesaid reliefs.

5. Ld. counsel for the applicant, Mr. Banerjee further submitted that after the developments in the matter, more particularly when decision was taken to extend the benefits of the Flexible Complementing Scheme to all the Scientists in a Board meeting on 19th August, 2015, nothing has been done by the respondents till date. On being questioned Mr. Banerjee submitted that the applicants would be satisfied if they are permitted to ventilate their grievances by making comprehensive representations to the Respondent No.2, i.e. the Secretary, Ministry of Science and Technology, Government of India, Technology Bhavan, New Delhi and a direction is given to the said authority to consider and dispose of the representations of the applicants by passing a well reasoned order keeping in mind the rules and guidelines governing the field, within a specific time frame.

6. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if the applicants are permitted to file comprehensive representations(individually) to the Respondent No.2 ventilating

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their grievances and a direction is issued to the respondent No.2 to consider and decide the same as per rules and regulations governing the field. Accordingly the applicants are given liberty to file comprehensive representations enclosing the relevant documents and a copy of this order, to the Respondent No.2 individually within 2 weeks. In such a scenario, the Respondent No.2 i.e. the Secretary, Ministry of Science and Technology, Government of India, Technology Bhavan, New Delhi shall consider and dispose of the said representations of the applicants by passing a well reasoned order keeping in mind the Board Meeting and the relevant rules and guidelines governing the field and communicate the result to the applicants within a period of six weeks from the date of receipt of such representations.

Though I have not gone into the merits of the O.A., still I hope and trust that if the applicants' claim are found to be genuine, the benefits of the Scheme will be extended to them within a further period of three months from the date of taking decision in the matter.

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

8. With the above observations the O.A. stands disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member