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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/969

of 2017

IN THE MATTER OF:

NIRANTAR KUMAR SINGH, aged about 41 years, son of Late Sarangdhar Singh, residing at B-110, Jangpura-B, near Rajdoot Hotel, New Delhi- 110014, Ex-Junior Hindi Translator in the Coordination Unit in the office of Commissioner of Customs (Administration), Custom House, 15/1, Strand Road, Kolkata- 700001 and at present working as Executive /Legislative/Committee/Protocol Assistant in Lok Sabha Secretariat, Parliament House Anenxe, New Delhi-110001;

...Applicant

-Versus-

1. UNION OF INDIA service through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi-110001.

2. THE CHAIRMAN, Central Board of Excise & Customs, Department of

Nirant K. Singh

W.L

Revenue, Ministry of Finance, North

Block, New Delhi-110001.

3. THE COMMISSIONER OF CUSTOMS

(ADMINISTRATION), Government of

India, Custom House, 15/1, Strand Road.

Kolkata- 700001.

4. THE SECRETARY, Ministry of Finance,

Department of Expenditure, E.III (B)

Branch, North Block, New Delhi-110001

5. THE DIRECTOR, Lok Sabha Secretariat,

Parliament House Annex, New Delhi-

110001.

...Respondents.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/969/2017

Date of order : 17.7.2017

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

For the applicant : Mr.P.C.Das, counsel
Ms.T.Maity, counsel

For the respondents: Ms. A.Rajeswari, counsel (Resp. No. 1-4)

O R D E R (ORAL)

A.K.Patnaik, Judicial Member

Heard Mr.P.C.Das, ld. Counsel along with Ms.T.Maity, ld. counsel appearing for the applicant. Ms.A.Rajeswari, ld. counsel appeared for the respondents.

2. The applicant has approached CAT under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) To pass an appropriate order directing upon the respondent authority to give upgradation of pay of RS.5500-9000 in favour of the applicant to the post of Junior Hindi Translator w.e.f. 3.10.2000 in terms of the Office Memo F.No.70/11/2000-IC dated 14.7.2003 issued by the Government of India, Ministry of Finance, Department of Expenditure (Implementation Cell) and in terms of Office Order dated 29.7.2015 issued by Ministry of Finance, Department of Expenditure, E.III (B) Branch (Annexure A/11) and in terms of the judgment and order dated 9.11.2006 passed by this Hon'ble Tribunal in OA No. 912 of 2004 and OA NO. 939 of 2004 and in terms of the order dated 2.5.2008 passed by the Hon'ble High Court at Calcutta in WPCT No. 728 of 2007 and in terms of the order dated 25.7.2013 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 17419 of 2009 in the case Union of India & Ors. -vs- Rajesh Kumar Gond and in Civil Appeal No. 1119 of 2013 in the case of Union of India & Ors. -vs- Dhananjay Singh and in the light of such decision, the upgradation of pay of Rs.5500-9000 to the post of Junior Hindi Translator may be extended in favour of the applicant w.e.f. 3.10.2000 along with all consequential arrear benefits;
- b) To pass an appropriate order directing upon the respondent authority to upgrade the pay of scale of Rs.5500-9000 to the post of Junior Hindi Translator in favour of the applicant w.e.f. 3.10.2000 along with all consequential benefits in terms of the Office Memo F.No.70/11/2000-IC dated 14.7.2003 issued by the Government of India, Ministry of Finance, Department of Expenditure (Implementation Cell) and in terms of Office Order dated 29.7.2015 issued by Ministry of Finance, Department of Expenditure, E.III (B) Branch (Annexure A/11) and further directed said benefit to the present applicant in the light of the judgment

A.K.P.

and order passed by this Hon'ble Tribunal and upheld upto the Hon'ble Supreme Court;

3. The brief facts of the case are as follows :

The applicant was initially appointed through Staff Selection Commission as Junior Hindi Translator on 9.10.2000. Thereafter pay of Junior Hindi Translator was upgraded from Rs.5000-8000 to Rs.5500-9000 w.e.f. 1.1.1996. The applicant represented on 17.4.2007 before the Commissioner of Customs (Administration) for releasing him to join duty on lien basis to the post of Executive/Legislative/Committee/Protocol Assistant in Lok Sabha Secretariat and he was released on 20.4.2007. On 8.5.2007 the applicant was appointed to the grade of Executive/Legislative/Committee/Protocol Assistant in Lok Sabha Secretariat in the pay scale of Rs.6500-10,500. The applicant continued to represent for extension of upgraded scale of pay and last such representation was made on 31.8.2016 which is still pending for consideration before the respondent authorities.

4. On perusal of records, I find that the applicant has preferred a representation dated 31.8.2016 addressed to the respondent No.2 which is still pending consideration. Mr.Das, 1d. Counsel for the applicant submitted that the applicant will be more or less satisfied if the OA is disposed of with a direction upon the respondent No.2 to consider and dispose of the representation dated 31.8.2016 within a specific time frame.

5. Therefore without entering into merit, I think it will not be prejudicial if the OA is disposed of by directing the respondent No.2 to consider the representation dated 31.8.2016 stated to have been preferred by the applicant, as per the rules and regulations in force and the result be communicated to the applicant by way of a well reasoned order within 6 weeks from the date of receipt of this order. I also make it clear that if in the meantime the representation dated 31.8.2016 is considered and disposed of, the result thereof be communicated to the applicant within 2 weeks.

6. Though I have not expressed any opinion on the merit of the case, still then I made it clear that, if the grievance of the applicant is found to be



genuine, the respondent authorities may take necessary steps for redressal of the grievance of the applicant.

7. With the aforesaid observations the OA is disposed of. No order is passed as to costs.

8. As prayed for by Id. Counsel for the applicant, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(A.K.PATNAIK)

JUDICIAL MEMBER

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