

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No. OA 350/1076/2017

Date of order : 23.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

**K.C.ROY**

Working as Dy. Director,  
Khadi & Village Industries Commission,  
Presently posted at Agartala  
Permanent resident of  
108/8 Manicktala Main Road  
Flat No. H/60  
PO - Kankurgachi,  
Kolkata - 700054.

...APPLICANT

VERSUS

1. Union of India, through  
The Secretary,  
Ministry of MSME,  
Having its office at  
Udyog Bhawan,  
Rafi Marg,  
New Delhi - 110011.
2. The Chief Executive Officer,  
Khadi & Village Industries Commission,  
Ministry of MSME,  
Govt. of India,  
Having its office at  
'Gramodaya', 3<sup>rd</sup> Irla Road,  
Ville Parle (West)  
Mumbai - 400056.
3. The Dy. Chief Executive Officer  
(Admn & HR),  
3<sup>rd</sup> Irla Road,  
Ville Parle (West)  
Mumbai - 400056.
4. The Dy. Chief Executive Officer,  
(North East Zone)  
The Khadi & Village Industries Commission,  
Rupnagar, Guwahati, Assam,  
Pin - 781032.
5. The State Director,  
Khadi & Village Commission,  
33 Chittaranjan Avenue,  
Kolkata - 700012.

...RESPONDENTS.



For the applicant : Mr.B.Bhusan, counsel

For the respondents: Mr.R.Haldar, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.B.Bhusan, Id. Counsel appeared for the applicant and Mr.R.Haldar, Id. Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Do issue mandate upon the respondents, their men, agents, and each of them to forthwith to continue MACP benefit by granting the Grade Pay of Rs.6600/- w.e.f. from 16.9.2009 in terms of the letter dated 22.5.2012 and subsequent letter dated 3.2.2017 issued by the respondent No.3.
- b) Issue direction upon the respondents, their men, agents and each of them to forthwith serve and transmit all the papers and documents in connection with the instant matter before this Hon'ble Tribunal for kind perusal and on such perusal do ~~conscientious justice~~ to the applicant;
- c) Grant costs of this proceeding to the applicant;
- d) And such further order or orders as your Lordship may deem fit and proper.

3. The brief fact of the case as narrated by the applicant is that the applicant got 1<sup>st</sup> Financial Upgradation (ACP) in the pay scale of Rs.8000-13,500/- in the year 2008. 2<sup>nd</sup> MACP was extended to the applicant on 22.5.2012 in the pay scale of Rs.13,600-39,100/- with Grade Pay of Rs.6600/- w.e.f. 16.9.2009. But on 11.5.2016 the said benefit was withdrawn and the applicant was placed in the pay scale of Rs.9300-39,100/- with Grade Pay of Rs.5400/-. Due to withdrawal of the MACP benefits, the respondents issued the letter to the applicant for recovery of Rs.2,23,920/-. The applicant preferred representations on 20.7.2016 and 8.8.2016 and further restored his prayer on 7.2.2017. On 17.4.2017 the applicant has received a letter issued by the respondents that the file has been referred to post audit section for re-fixation of the pay and decision shall be communicated later. Since these representations yielded no result, hence the applicant has approached this Tribunal in the present OA.

4. We have heard both the ld: Counsels and perused the pleadings and materials placed before us.
5. After hearing both the ld. Counsels and perusing the pleadings we think it fit to remand back the matter to the department concerned to take a correct decision regarding re-fixation of the pay of the applicant. We further direct the respondent authorities to consider and dispose of the representation preferred by the applicant dated 17.4.2017 within a period of 2 months from the date of receipt of the copy of this order. The decision so arrived shall be reasoned and speaking one and communicated to the applicant forthwith.

6. With the above observation and direction the OA stands disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

in

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