

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. OA 350/1096/2017

Date of order : 23.2.2018

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

NARAYAN CHANDRA KHUTIA

S/o Late Haradhan Khutia,
Ex Chowkidar, DOT office,
Kolkata,
R/o Vill - Ektal, PO - Dumuria,
PS - Jamboni,
Dist. - Paschim Medinipur,
Pin - 721505.

..APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Telecommunication,
Sanchar Bhavan,
Connought Place,
New Delhi - 110001.
2. Secretary,
Dept. of Personnel & Training,
Loknayak Bhavan,
Khan Market,
New Delhi - 110003.
3. Controller of Communications Accounts,
West Bengal Circle,
8 Esplanade (East),
Kolkata - 700069
4. The Deputy General Manager (Mice),
BSNL,
Eastern Telecom,
Telephone Kendra,
Second Floor,
P-10, New CIT Road,
Kolkata - 700072.
5. The Divisional Engineer (I/C)
Office of the Dy. General Manager,
(Mice), BSNL, Eastern Telecom,
Telephone Kendra, Second Floor,
P-10 New CIT Road,
Kolkata - 700072.

..RESPONDENTS

For the applicant : Mr.T.K.Biswas, counsel

For the respondents: Mr.S.Panda, counsel



O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.T.K.Biswas, Id. Counsel appeared for the applicant and Mr.S.Panda, 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) Pass an order directing the respondent to consider the applicant's grievance and to give financial benefits to the applicant during the service tenure of the applicant considering that the applicant has been retired from service within the stipulated period of time;
- b) An order directing the respondent No.3 to comply the order dated 24.9.2015 (Annexure A/4) which was passed previously within the specific period of time;
- c) Call for the records of the instant case so that conscionable justice may be administered therein;
- d) An interim order directing the respondents to take appropriate steps to release the pension and other benefits payable to the applicant, pending disposal of the application;
- e) Pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper.

3. The fact of the case in a narrow compass is that the applicant joined the service under the respondents on 3.9.1962 and retired on superannuation on 21.12.1999. After retirement the applicant submitted several representations before the respondent authority for granting proper pension. The last representation was submitted by the applicant on 13.8.2013 and the respondent authority finalized the pension on the basis of the regulation dated 1.1.2006. The grievance of the applicant is that the applicant was not given due promotion during the service period, though the same was given to other persons who joined on the same date as the applicant and thus the applicant was deprived of the financial benefit during the service tenure. The applicant submitted application before the Learned Lok Adalat, Jhargram in PLA case No. 25/14 and Learned Lok Adalat passed an order dated 25.3.2014 directing the applicant to apply before the department of Telecommunication for proper remedy.

The applicant then approached this Tribunal in OA 1414/2015 which was disposed of on 24.9.2015 with a direction that the applicant is given liberty



to file representation before the Dept. of Telecom stating his grievances and the respondent authorities will consider and dispose of the representation preferably within three months thereafter. In terms of the order of the Tribunal, the applicant preferred a representation dated 19.1.2016 along with the copy of the order of the Tribunal dated 24.9.2015. But the respondents did not take any steps. The applicant sent a demand notice through the Id. Advocate on 31.12.2017 for compliance of the Tribunal's order dated 24.9.2015 to which the respondents replied on 14.2.2017. Hence the applicant has approached this Tribunal in the present OA.

4. We have heard both the Id. Counsels and perused the pleadings and materials placed on record.

5. As the representation dated 19.1.2016 made before the DOT is pending disposal we deem fit and proper to dispose of the present OA by remanding the matter to the DOT for consideration.

6. We accordingly dispose of the OA at the admission stage itself without going into the merits of the case and direct the respondent authorities more particularly DOT to consider and dispose of the representation preferred by the applicant dated 19.1.2016 within a period of three months from the date of receipt of the copy of this order by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

7. The OA therefore stands disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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