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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

O. A. No. 350/1143 of 2017

In the matter of :

An application under Section
19 of the Central
Administrative Tribunal Act,
1985;

And

In the matter of :

Shri Brahmadeb Bandyopadhyay,
son of Late Harikinkar
Banerjee, aged about-61 years,
by occupation- Superintendent
of Central Excise (Retired),
residing at Manushpur,
Bandel, District- Hooghly, Pin-
712123, West Bengal;

... Applicant



-Versus-

1. Union of India, service through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, North Block, New Delhi-110001.

2. The Chairman, Central Board of Excise & Customs, North Block, New Delhi - 110001.

3. The Chief Commissioner of Central Excise, Kolkata (now Chief Commissioner CGST & CX, Kolkata) 180, Shantipally, Kolkata - 700107.

4. The Commissioner of Central Excise, Kolkata-IV Commissionerate, (now

VAE

Commissioner of Howrah
CGST & CX Commissionerate,
Custom House, M.S. Building,
15/1, Strand Road, Kolkata-
700 001;

... Respondents

DL

No.O.A.350/1143/2017

Date of order : 08.03.2018

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

For the applicant : Mr. A.K. Manna, counsel

For the respondents : Mr. S.K. Ghosh, counsel

ORDER (ORAL)**Mr. A.K. Patnaik, J.M.**

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 praying for the following reliefs:-

"a) An order holding that the applicant herein is entitled to pay parity at par with his junior, the said Shri Subir Kumar Das, Superintendent that amounts to Rs.87,400/- w.e.f. 06.01.2016 in view of FR 22;

b) An order issuing direction upon the respondent authorities to cause re-fixation of the applicant's pay at Rs.87,400/- w.e.f. 6.1.2016 with all consequential arrears including re-fixation of pension w.e.f. 01.05.2016 with consequential arrears;

c) An order directing the respondent authorities to production promotion of relevant documents;

d) Any other order or further order/orders as this Hon'ble Tribunal may deem fit and proper."

2. Heard Mr. A.K. Manna, ld. counsel for the applicant. Ld. counsel for the respondents Mr. S.K. Ghosh is also present and heard.

3. Brief facts of the case as narrated by the ld. counsel for the applicant are that the applicant joined the Central Excise Department as Inspector on 09.07.1982, got promotion to the grade of Superintendent on 29.8.1997 and held such post till his superannuation on 30.04.2016. Ld. counsel for the applicant submitted that last pay of the applicant who was placed at Sl.No.129 of the seniority list dated 01.08.2013, was Rs.32,940/-(pre-revised). It is further

submitted by the Id. counsel for the applicant that on implementation of 7th CPC, the applicant's pay was fixed at Rs.82,600/- as on 1.1.2016 and carried on at Rs.82,600/- till 30.04.2016, whereas the basic pay of his much junior, Shri Subir Kumar Das, Superintendent (Sl.No.295 in the seniority list dated 01.08.2013) was Rs.31,290/-(pre-revised) as on 11.1.16 and thereafter on implementation of 7th CPC, refixed at Rs.82,600/- w.e.f. 1.1.16 and enhanced to Rs.87,400/- w.e.f. 06.01.2016 after the incremental benefit. According to the applicant, as per FR-22 his pay was required to be stepped up to Rs.87,400/- w.e.f. 06.01.2016. It is submitted by Id. counsel for the applicant that the applicant has filed repeated representations to the respondent authorities dated 06.10.2016, 19.04.2017 and 23.04.2017(Annexure A/6) ventilating his grievances therein, but no reply has been received by him till date. Being aggrieved the applicant has approached this Tribunal praying for the aforesaid reliefs.

4. Id. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.3 and 4 to consider and dispose of the representations of the applicant dated 06.10.2016, 19.04.2017 and 23.04.2017 (Annexure A/6) as per rules and regulations governing the field within a specific time frame.

5. Though no notice has been given to the respondents I am of the view that it would not be prejudicial to either of the sides if a direction is given to the Respondent No.3 and 4 to consider and dispose of the representations of the applicant as per rules and regulations in force within a specific time frame.

6. Accordingly the respondent No.3 or Respondent No.4 is directed to consider and dispose of the representations of the applicant dated 06.10.2016,

19.04.2017 and 23.04.2017(Annexure A/6) as per the rules and regulations in force by passing a well reasoned order within a period of six weeks from the date of receipt of this order, if such representations are still lying pending for consideration and communicate the decision to the applicant forthwith. After such consideration, if the decision of the respondents goes in favour of the applicant, the consequential benefits may be given to the applicant within a further period of six weeks from the date of taking decision in the matter.

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

8. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.3 & 4 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost within a week.

9. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member