

No. O.A. 350/01147/2017

Date of order: 6.3.2018

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

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : None

O R D E R (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. T.K. Biswas, Ld. Counsel for the applicant.

2. This OA has been filed by Syed Baquer Ali Mirza, Son of Late Syed

Sasique Ali Mirza, praying for the following reliefs:

- “a) An order directing the respondents to supply the details calculation sheet which was paid by the respondents to the applicant and further directing the respondents to release the interest @ 9% for delayed payment according to the Hon'ble Tribunal's order dated 29.3.2010;
- b) An order directing the respondents to take decision of the representation dated 9.1.2017 (A-5) with specific period;
- c) Any such other order or orders as to this Hon'ble Tribunal may deem fit and proper.”

3. The facts in a nut shell as per Mr. Biswas, Ld. Counsel for the applicant, are that the applicant, who was an Ex-Gallery Assistant Care Taker in the Office of the Archaeological Survey of India, Hazarduari Palace Museum, Murshidabad retired from service on 31.1.1996. His previous service period from 1.1.1974 to 3.9.1986 was not regularised by the department for which he was compelled to approach this Tribunal by filing O.A. No. 738 of 2004 wherein the Tribunal directed the respondent authorities to pay him pensionary benefits. As per the applicant the respondent authorities have paid him pensionary benefits in the year 2016 whereas he is entitled to such payments from the year 2003. Being aggrieved he has filed this O.A. seeking arrear pension and also interest @9% for the delayed payment. He preferred a representation dated 9.1.2017 to respondent Nos. 2, 3, 4 and 5, which is still pending consideration.

4. Mr. Biswas, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is

passed by directing the concerned authorities i.e. respondent Nos. 2, 3, 4 and 5 to dispose of the representation dated 9.1.2017 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent Nos. 2, 3, 4 and 5 that, if any, such representation as claimed by the applicant has been preferred on 9.1.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine and as he is a senior citizen, then expeditious steps may be taken by the concerned respondent Nos. 2, 3, 4 and 5 within a further period of six weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime, the said representation stated to have been preferred on 9.1.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Biswas, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent Nos. 2, 3, 4 and 5 by speed post for which Mr. Biswas undertakes to deposit necessary cost in the Registry by this week.

(A.K. Patnaik)
Judicial Member

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