

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

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ORDER SHEET

COURT NO. : 1
 28.08.2018
 O.A./350/1184/2018
 (MENTIONED)

MADHUSUDAN SAHA
 -V/S-
 BHARAT SANCHAR NIGAM LTD

ITEM NO: 6
 FOR APPLICANTS(S) Adv. : Mr. C.Sinha

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. C.Sinha, Ld. Counsel for the applicant.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="padding-left: 40px;">“(a) To set aside and quash impugned letter No. Admn/CAO-TC/NEPP/Loose file/8 dated 12.04.2016 issued by Chief Accounts Officer, Telegraph Check Office, BSNL, WBTC as regard Annexure – II of the said letter is concerned.</p> <p style="padding-left: 40px;">(b) To set aside and quash impugned letter No. 1-20/2011-PAT (BSNL) dated 21.12.2011 issued by Addl. General Manager (Estt.), BSNL.</p> <p style="padding-left: 40px;">(c) To direct the respondents to grant upgradation in accordance with Non-Executive Promotion Policy (NEPP) in Revised IDA Pay Scale NE-5 of Rs. 8700-16840/- at the stage of Rs. 15610/- w.e.f 04.08.2014 taking into consideration the stagnation increment as granted on 01.08.2013 with all consequential benefits.</p> <p style="padding-left: 40px;">(d) Any other order or orders as the Hon’ble Tribunal deems fit and proper.”</p> <p>3. Brief facts of the case of the applicant are that his pay was fixed at the stage of Rs. 14,700/- in scale of NE-2 of Rs. 7840-14700/- w.e.f. 01.08.2011. On 01.08.2013 he was given one stagnation increment and his pay was fixed at Rs. 15150/-. The grievance of the applicant is that he is entitled for grant of upgradation in accordance with Non-Executive Promotion Policy (NEPP) in Revised IDA Pay Scale NE-5 of Rs. 8700-16840/- at the stage of Rs. 15610/- w.e.f 04.08.2014 taking into consideration the stagnation increment as granted on 01.08.2013 with all consequential benefits. Since the same has not been granted to him, applicant submitted representation ventilating his grievance which has not been considered yet and hence this O.A has been filed.</p>

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4. Mr. Sinha, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant has made a representation on 04.06.2018 (Annexure-A/5), which is stated to be pending with Respondent Nos. 1 and 2 for consideration. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to those authorities to consider the said representation under Annexure-A/5 within a specific time frame.

5. Taking into account the submissions made by Mr. Sinha, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos.1 and 2 to consider the representation as at Annexure-A/5 dated 04.06.2018, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

6. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent Nos.1 and 2, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration applicant is found suitable for Upgradation of pay then expeditious steps may be taken by the Official Respondents to redress his grievance within a further period of three months therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/5 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent Nos.1 and 2 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

9. Free copies of this order be handed over to the Ld. Counsels for both the sides.


(A.K. PATNAIK)
MEMBER (J)