

LIBRARY

29
nt of Office.
of Coal, 1, Council
House Street, and resi-
station Bazar,
ntour. Dist. :

No. 743 331.

..... Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 1199 of 2017.

Sri Amalendu Khamaru, son of Late Sambhu
Nath Khamaru, working as a Legal Assis-
tant, under the Coal Controller's Office,
Kolkata under Ministry of Coal, 1, Council
House Street, Kolkata-700 001, and resi-
ing at Vill. Roynagar, Station Bazar,
P.O. & P.S.: Diamond Harbour. Dist. :
South 24-Parganas, Pin Code No. 743 331.
Office of the
..... Applicant.

- Versus -

1. The Union of India, through the
Secretary, Govt. of India, Ministry of
Coal, Shastri Bhawan, New Delhi-110 115.

2. The Joint Secretary, Ministry of Coal,
Shastri Bhawan, New Delhi-110 115.

3. The Deputy Coal Controller, Govt. of
India, Ministry of Coal, Office of the
Coal Controller, 1, Council House Street,
Kolkata-700 001.

Contd. ..p/2.

W.L.S.

st.

ional Area,

., New Delhi.

- 2 -

Respondents.

4. The Coal Controller, Office of the
Coal Controller, 1, Council House Street,
Kolkata-700 001.

5. The Chairman, 7th Central Pay Commis-
sion, Chatrapati Shivaji Bhawan, 1st.
floor, V-14/A, Qutab Institutional Area,
Post Box No.4599, Hauzkhast P.O., New Delhi-
110 016.

..... Respondents.

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/1199/2017

Date of order : 29.8.2017

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

For the applicant : Mr.M.K.Bandyopadhyay, counsel

For the respondents : Mr.B.B.Chatterjee, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Mr.M.K.Bandyopadhyay, Id. Counsel appearing for the applicant and Mr. B.B.Chatterjee, Id. Counsel appearing for the respondents.

2. This OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 seeking the following relief :

- a) An order do issue upon the respondents , particularly Coal Controller, Office of the Coal Controller, Govt. of India, 1 Council House Street, Kolkata - 700001, to grant the applicant Upgraded pay scale in Pay Band II (Rs.9300-34,800/-) with Grade Pay of Rs.4600/- w.e.f. 1.1.2006;
- b) An order do issue upon the respondents to pay the applicant all arrears on account of the aforesaid revision of scale of pay together with the banking interest with all consequential benefit;
- c) An order do issue upon the respondents to produce entire documents, in original, before the Hon'ble Tribunal for concessionable justice;
- d) Any other order or orders as Your Lordships may deem fit and proper.

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant joined as Lower Division Clerk on 23.10.1984 and was promoted to the post of Upper Division Clerk on 29.1.1992. Subsequently he was promoted as Legal Assistant on 18.1.1999. Pay fixation was made in the upgraded scale of revised Pay Band 2 (Rs.9300-34,800/-) with Grade Pay Rs.4200/- On 24.9.2008 an office order was issued regarding pay fixation of Legal Assistant by which the applicant was granted Grade Pay of Rs.4600/- as financial upgradation under MACP scheme but the same has not been

W.A.L.

extended to the applicant by the respondents. The applicant has made a representation dated 17.2.2017 addressed to respondent No.4 but the same is still pending consideration.

Hence this application.

4. Mr.Bandyopadhyay fairly submitted that the grievance of the applicant will be more or less addressed if a direction is issued to the respondent No.2, 3 & 4 to consider the representation preferred by the applicant on 17.2.2017 (Annexure A/8 to the OA) and pass appropriate orders within a specific time frame.

5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of at the admission stage by directing the respondent No.2, 3 & 4 to consider the representation dated 17.2.2017, if any such representation has been preferred by the applicant and the same is still pending consideration and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within 4 weeks from the date of receipt of this order.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representation are kept open for the said respondent No.2, 3 & 4 to consider the same as per the rules and regulations in force, still then I hereby direct that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of 2 months from the date of such consideration to extend those benefits to the applicant.

7. However, I also made it clear that if in the meantime the said representation has already been considered and disposed of, the result be communicated to the applicant within a period of 4 weeks from the date of receipt of this order.

8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

W.L.S

(A.K.PATNAIK)
MEMBER (J)

9 As prayed for by Mr.Bandyopadhyay, a copy of this order along with the paper book of this OA be transmitted to respondent No.2, 3 & 4 by Speed Post for which he will deposit the cost with the Registry within a period of one week. A free copy of this order be handed over to Mr.B.B.Chatterjee, Id. Counsel for the respondents.

(A.K.PATNAIK)
MEMBER (J)

in