

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

ORDER SHEET

COURT NO. : 1

24.08.2018

O.A./350/1253/2018
(MENTIONED)

SAMIR KUMAR BAROI

-V/S-

NATIONAL TEST HOUSE

ITEM NO:8

FOR APPLICANTS(S) Adv. :

Mr. N. Roy

FOR RESPONDENTS(S) Adv.:

Mr. B. P Manna

Notes of The Registry	Order of The Tribunal
	<p style="text-align: center;"><u>ORDER (ORAL)</u></p> <p><u>Mr. A.K Patnaik, Member (J)</u></p> <p>Heard Mr. N. Roy, ld. counsel appearing for the applicant. Ld. counsel Mr. B. P Manna, who usually appears for the Union of India is present in the court. On my advice, Mr. B. P Manna received a copy of the O.A from Mr. N. Roy, ld. counsel for the applicant.</p> <p>2. This O.A has been filed under Section 19 of the Administrative Tribunals Act, 1985 for the following prayers:</p> <p>"(a) To issue direction upon the respondents to consider representation dated 19.05.2018 for fixation benefit financial upgradation annual increment and all consequential benefit forthwith.</p> <p>(b) To issue further direction upon the respondents to consider fixation benefit financial upgradation according to Rule 10 of CCS Rule, 2008 forthwith.</p> <p>(c) To issue further direction upon the respondents to give fixation benefit where similar person namely Samir Roy has got benefit from the Respondent. The applicant also same similar person. The applicant's case may be consider forthwith.</p>

(d) Any other order or orders or further order or orders as Learned Tribunal deem fit and proper under the circumstances of the case.

(e) To produce Connected Departmental Record at the time of Hearing. "

3. Mr. N. Roy, ld. counsel for the applicant submitted that the applicant has filed this O.A against the order dated 23.06.2017 passed by the Respondent No. 3. Mr. Roy, by drawing my attention to the representation dated 19.05.2018, under Annexure A/20, ventilating his grievance that the applicant has already preferred the representation to the Respondent No. 3 and is still pending consideration and the applicant has not received any response from the said respondent.

Mr. Roy, further submitted that the grievance of the applicant will be more or less redressed if a specific time frame is granted to the said respondent authority to consider and dispose of the representation, and if he is legally entitled, then the respondent may be directed to pass a reasoned order granting him such benefits within a specific time frame.

4. Though no notice has been issued to the respondents, I find that it would not be prejudicial to either of the sides if such prayer of the ld. counsel for the applicant is allowed.

5. Accordingly, without entering into the merit of the matter, I dispose of this O.A by directing the Respondent No. 3 that if any such representation has been preferred on 19.05.2018, and the same is still pending consideration, then the same may be considered and dispose of within a period of 6 weeks by passing a well reasoned order. After such consideration, if the applicant's grievance is found to be genuine and is legally entitled to, then the applicant may be given upgradation

as per his request within a further period of 3 months from the date of such consideration.

6. I also made it clear that if in the meantime, such representation has already been considered and disposed of, then the results of the same to be communicated to the applicant within 4 weeks.

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

8. A copy of this order along with paper book be transmitted to Respondent No. 3 by the Registry by speed post for which ld. counsel for the applicant undertakes to deposit the cost within one week. A free copy of this order be handed over to ld. counsel for the official respondents.

(A.K. PATNAIK)
MEMBER (J)

SS