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LIBRARY

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.**

**M. A. No. 350/289 of 2017
O. A. No. 350/1279 of 2016.**

1. Asit Kumar Samanta, son of late Rakhal Chandra Samanta, aged about 63 years, retired Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Vill. Sarada Pally, P.O. Panagarh Bazar, Dist. Burdwan, Pin : 713148, W.B.
2. Kanu Bikash Chowdhury, son of late Birendra Lal Chowdhury, aged about 64 years, retired Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Subhas Pally (South), P.O. Bud Bud, Dist. Burdwan, Pin: 713403, W.B.
3. Tuhin Kanti Gupta, son of late Shib Shankar Gupta, aged about 63 years, retired Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Vill. & P.O. Akni, Dist. Bankura, Pin: 722 201, W.B.
4. Bhaskar Chandra Koner, son of late Khela Ram Koner, aged about 61 years, Retired Senior Store Superintendent at Vehicle Depot,

Panagarh, residing at Vill. Bipinpur,
P.O. Bud Bud, Dist. Burdwan.
Burdwan, Pin : 713 403, W.B.

5. Prabhat Kumar Mukherjee, son of
late Monibhusan Mukherjee, aged
about 61 years, retired Senior Store
Superintendent at Vehicle Depot,
Panagarh, residing at P.O. & Vill.
Gopinathpur, Durgapur, Dist.
Burdwan, Pin : 713 211, W.B.

6. Asoke Kumar Hazari, son of Late
Bibhuti Bhusan Hazari, aged about
60 years, Retired Senior Store
Superintendent at Vehicle Depot,
Panagarh, residing at Mankar Butak
Nagar, P.O. Mankar, Dist. Burdwan,
Pin: 713 144, West Bengal.

7. Jitendra Nath Chatterjee, son of late
Gostha Behari Chatterjee, aged about
60 years, retired Senior Store
Superintendent at Vehicle Depot,
Panagarh, residing at Vill. Kota, P.O.
Kota, Dist. Burdwan, Pin: 713 148,
West Bengal.

8. Kali Das Bose, son of late Adhir
Kumar Bose, aged about 58 years,
working as Senior Store
Superintendent at Vehicle Depot,

Panagarh, residing at Basu Vill,
Sukanta Nagar (W), P.O. Budbud,
Dist. Burdwan, Pin : 713 403, West
Bengal.

9. Tapan Kumar Chakraborty, son of late Krishna Pada Chakraborty, aged about 55 years, working as Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Golapbag More (Near Municipality Primary School), P.O. Rajbati, Dist. Burdwan, Pin : 713 104, West Bengal.
10. Prabhat Kumar Bhattacharya, son of late Paromananda Bhattacharya, aged about 56 years, working as Senior Store Superintendent at Vehicle Depot, Panagarh, residing at VIII. Mankar, P.O. Mankar, Dist. Burdwan, Pin : 713 144, W.B.
11. Arup Kumar Mondal, son of late Krishna Chandra Mondal, aged about 56 years, working as Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Qtr. No. P/125/1 ('C' Type), New Building, at Hamid Enclave, P.O. Panagarh, Pin : 713 420, West Bengal.



12. Raj Kumar Singh, son of late Murlidhar Singh, aged about 57 years, working as Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Qtr. No. A/7/24 (C), Near PH No. 4, Civil Line, Panagarh Base, Dist. Burdwan, Pin : 713 420, West Bengal.
13. Ashoke Kumar Banerjee, son of late Amal Krishna Banerjee, aged about 56 years, working as Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Vill. Bipinpur, P.O. Budbud, Dist. Burdwan, Pin: 713 403, West Bengal.
14. Kiriti Kumar Das, son of late Kali Pada Das, aged about 61 years, Retired Senior Store Superintendent at Vehicle Depot, Panagarh, residing at Vill. Simnori, P.O. Nurkuna, Dist. Burdwan, Pin : 713 403, West Bengal.

...Applicants.

-Vs-

1. Union of India through the Secretary to the Govt. of India,




Ministry of Defence, South Block,
New Delhi- 110 001.

2. The Secretary, Ministry of Finance,
Department of Expenditure, North
Block, New Delhi- 110 001.

3. The Secretary, Ministry of
Personnel, Public Grievances &
Pensions, Department of Personnel
& Training, North Block, New Delhi-
110 001.

4. The Commandant, Vehicle Depot,
Panagarh, P.O. Panagarh, Dist.
Burdwan, Pin : 713 420.

... Respondents.



No. O.A. 350/01279/2016
M.A. 350/00289/2017

Date of order: 24.10.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. S.K. Dutta, Counsel

For the Respondents : Mr. P.N. Sharma, Counsel

O R D E R (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. S.K. Dutta, Ld. Counsel for the applicant and Mr. P.N. Sharma, Ld. Counsel appearing for the official respondents.

2. This OA has been filed by Asit Kumar Samata and 13 ors. challenging acts or omissions on the part of the respondents in denying the benefits of pay fixation to the applicants w.e.f. 1.1.2006 by treating their pay at Rs. 6500-10500/- multiplied by 1.86 before treatment in the 6th CPC pay structure of PB-2 with Grade Pay of Rs. 4200/-, non-consideration of provision of Part-B, Sec. 2 (II)(1) of the Central Civil Service Revised Pay Rules, 2008 read with Part-B, Sec. 1 of the said rules and non-consideration of representation dated 7.7.2015. This O.A. has been filed praying for the following reliefs:

- "(a) An order granting leave to the applicants under Rule 4(5) (a) of the Central Administrative Tribunals (Procedure) Rules, 1987 to move this application jointly.
- B) An order holding that the fixation of pay of the applicants by way of fitment into PB-2 with Grade Pay of Rs.4200/- without notionally fixing their respective pay in the scale of pay of Rs. 6500-10500/- is bad in law and arbitrary.
- C) An order directing the respondents to fix the pay of the applicants by way of fitment into PB-2 with Grade Pay of Rs.4200/- by notionally fixing their pay on the date of such fitment in the scale of pay of Rs. 6500- 10500/- and by multiplying the said notional pay by 1.86 before such fitment and further directing the respondents to grant all consequential fixation and monetary benefits to the applicants within a period as to this Hon'ble Tribunal may seem fit and proper with interest.
- D) An order holding that the decision contained in the speaking order dated 7.7.2015 is bad in law and arbitrary and accordingly, an order be passed quashing and/or setting aside the said speaking order

W.A.D.

dated 7.7.2015.

E) An order directing the respondents to produce/cause production of all relevant records.

F) Any other order or further order/orders as to this Hon'ble Tribunal."

4. The facts in a nut shell as per Mr. Dutta, Ld. Counsel for the applicant are that all the applicants except applicant No. 1 to 7 and 14 are working as Senior Stores Superintendent and the applicant Nos. 1 to 7 and 14 are retired Senior Stores Superintendent of Vehicle Depot, Panagarh and the pay of the applicants was fixed by applying fitment formula in 6th CPC pay structure by multiplying their actual pay drawn in the scale lower than Rs. 6500-10500/- by 1.86 whereas the applicants were entitled to fixation of their pay with all consequential benefits by treating their pay notionally in the scale of Rs. 6500-10500/- as was being drawn by them prior to notification on the date of notification of Revised Pay Rules, 2008 on 29.8.2008. The applicants were denied the benefits of fitment. They approached this Tribunal by filing O.A. No. 1478 of 2014 which was disposed of on 10.2.2015 and a speaking order was issued on 7.7.2015 rejecting their claim against which they preferred representation dated 1.12.2015, which are still pending consideration.

5. Mr. Dutta, Ld. Counsel for the applicants submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 4 to dispose of the representation dated 1.12.2015 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 4 that, if any, such representation as claimed by the applicant has been preferred on 1.12.2015 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.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicants grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 4 within a further period of 6 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 1.12.2015 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.

8. With the aforesaid observation and direction, the O.A. is disposed of. The M.A. No. 289 of 2017 for joint prosecution is also disposed of accordingly.

9. As prayed for by Mr. Dutta, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

10. A free copy of this order be handed over to Mr. P.N. Sharma, Ld. Counsel for the respondents.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP