

Date of order : 02.02.2017

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

For the applicant : Mr. A.K. Banerjee, counsel
Mr. P. Sanyal, counsel

For the respondents : Mr. T.K. Chatterjee, counsel

O R D E R(ORAL)

Heard Mr. A.K. Banerjee, Id. counsel for the applicant and Mr. T.K.

Chatterjee, Id. counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned Memo dated 07.06.2016 issued by the Dean of ESI-PGIMSR & ESIC MC, Joka, Kolkata regarding non-payment of salary for the month of April, 2016 and for non-consideration of the representations made by the applicant on 01.05.2016 and 27.05.2016. In this O.A. the applicant has sought for the following reliefs:-

- “a) An order directing the respondents to release the withheld salary for the month of April, 2016 with an admissible rate of interest from the date of its entitlement to the actual date of payment;
- b) An order directing the respondents to rescind, revoke and/or cancel the Memo dated 07.06.2016 issued by the Respondent No.2;
- c) An order directing the respondents to produce the entire records in connection with the aforesaid case;
- d) And to pass such other order or further order or orders as Your Lordships may deem fit and proper.”

3. Mr. Banerjee, Id. counsel for the applicant submitted though the applicant's service in the post of Professor of Medicine which is/was contractual in nature was extended, the salary for the month of April, 2006 was not released.

Mr. Banerjee further submitted that ventilating his grievances the applicant has already filed a comprehensive representation to the Respondent No.5 on 27.05.2016 and subsequently a query has been made vide order dated 07.06.2016 under Annexure A-7, but till date no steps have been taken for release of the salary. He further submitted that the applicant will be more or less satisfied if the respondent No.5 is directed to consider the representation and take steps for release of salary within a specific time frame.

4. I do not think it would not be prejudicial if such a direction is issued to Respondent No.5 to consider the representation so made on 27.05.2016(Annexure A-6).

6. Accordingly the Respondent No.3 is directed to consider and dispose of the representation/appeal of the applicant stated to have been filed on 27.05.2016(Annexure A-6), if it is still pending, with a well reasoned order and communicate the result to the applicant within a period of two months from the date of receipt of this order.

7. I have not expressed any opinion on the merit of the matter and all the points raised in the representation/appeal stated to have been filed on 27.05.2016 are kept open for consideration by the respondents as per the rules and regulations in force. After such consideration if the applicant is found entitled to the benefits as claimed , then expeditious steps may be taken to extend such benefits to the applicants within a further period of two months from the date of taking decision.

8. As prayed by Mr. Banerjee a copy of this order along with the paper book may be transmitted to the Respondent No.5 and Respondent No..3 by speed post

by the Registry for which Mr. Datta undertakes to deposit the cost by 7th of February, 2017.

9. With these observations the O.A. is disposed of. No cost.

(A.K. PATNAIK)
Judicial Member

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