

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



O.A. NO. 350/1350/2017

Dated : 22.11.2017

Coram : Hon'ble Ms. Manjula Das, Judicial Member

Subhas Chandra Bera,  
son of Late Prafulla Kumar Bera,  
aged about 63 years,  
residing Sugam Sabuj Apartments,  
Block - D, Flat No. 1/E, 125,  
N.S.C. Bose Road, Narendrapur P.O.,  
Kolkata - 700103.

....Applicant.

Versus

1. Union of India,  
through the Secretary,  
Department of Expenditure,  
Ministry of Finance,  
Government of India,  
North Block,  
New Delhi - 110001.  
1A) The Chief Adviser (Cost),  
Indian Cost Accounts Service (ICAS),  
Ministry of Finance, Department  
of Expenditure, Office of the Chief  
Adviser (Cost), Room No: 207,  
"C" Wing, 2<sup>nd</sup> Floor,  
Lok Nayak Bhavan, Khan Market,  
New Delhi - 110511.

2. The Chief Commissioner of  
Central Excise (Delhi Zone),  
Central Revenue Building,  
I.P. Estate, ITO,  
New Delhi- 110109

3. The Chairman,  
Central Electricity Regulatory  
Commission, 3<sup>rd</sup> and 4<sup>th</sup> Floor,  
Chanderlok Building, 36, Janpath,  
New Delhi - 110001.

4. The Additional Chief Adviser (Cost), Indian Cost Account Service (ICAS), Ministry of Finance, Department of Expenditure, Office of the Chief Adviser (Cost), Room No: 207 "C" Wing, 2<sup>nd</sup> Floor, Lok Nayak Bhavan, Khan Market, New Delhi - 110511.

..... Respondents.

For the applicant : Mr. A. Chakraborty, Counsel

For the respondents : Mr. P. Mukherjee, Counsel

ORDER (Oral)

Manjula Das, Judicial Member

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8.(a) An order do issue directing the respondents to convene a review DPC on basis of upgraded entry i.e. very good and to grant Non-Functional Upgradation from the Grade Pay of Rs. 8700/- to the Grade Pay of Rs. 10,000/- with effect from the date his batchmates were given;

(b) An order do issue directing the respondent authorities to re-fix the pay/pension of the applicant and also to grant arrears with interest admissible under Rules allow in favour of the applicant at an early date."

2. I have heard the Id. Counsel for both sides and perused the pleadings and materials placed before me.

3. Id. Counsel for the applicant Mr. A. Chakraborty submits that the applicant joined the Indian Cost Accounts Service (ICAS) as Deputy Director (Cost) in March, 1992 and was promoted to the post of Joint Director in 2000 and the post of Director (Cost) in 2005. The applicant joined the Office of the respondent No. 4 on 19.05.2006 as Joint Chief (Finance) on deputation basis and retired from service in the months of February, 2014. Mr. Chakraborty further submits that the



applicant was given adverse remarks in his ACR for the period from 2007-2008 which was duly communicated to him. According to Mr. Chakraborty, the applicant made representation against such adverse comments in his ACRs and that was forwarded to the reviewing officer who had expunged all adverse remarks made against the applicant in his ACRs but had not upgraded his bench mark to "very good". However, the ICAS forwarded the matter to the Department of Expenditure for conducting DPC for grant of Non-Functional Upgradation. The DPC was held in the month of October/November, 2013 and the applicant's case was turned down for grant of Non Functional Upgradation. It is submitted by the Ld. Counsel for the applicant that later the applicant came to know that the Competent authority upgraded the bench mark given to him in his ACRs for the year 2007-2008. The applicant preferred a representation dated 9<sup>th</sup> February, 2016 to the Office of Chief Adviser (Cost) ventilating his grievances therein but his case was not considered till date. Finding no other alternative the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. Mr. A. Chakraborty, Ld. Counsel for the applicant submits that this is a long pending matter but the authorities have not considered the case of the applicant despite of having upgraded bench mark in his AGRs and his case has not been placed before the DPC. Mr. Chakraborty further submits that the applicant would be satisfied for the present if he is permitted to file a comprehensive/detailed representation before the respondent authorities ventilating his grievances therein and competent respondent authority is directed to consider and dispose of the same within a specific time frame.

5. Ld. Counsel Mr. P. Mukherjee appearing on behalf of the respondents submits that he is not in a position to give any reply regarding factual position of the matter without having any instruction from the authorities concerned.

6. Considering the submissions made by Ld. Counsel for both sides, I find that it would not be prejudicial to either of the sides if a direction is given to the applicant to file a comprehensive/detailed representation to the competent respondent authority ventilating his grievances therein and the said authority is directed to decide the same within a stipulated period.

7. Accordingly, the applicant is permitted to file a comprehensive/detailed representation to the competent respondent authority ventilating his grievances therein within a period of 15 days from the date of receipt of this order. The competent respondent authority is directed to consider such representation and take a decision on the said representation as per rules, if so filed, within a period of 3 months from the date of receipt of the same. The respondent authorities are also directed to communicate a reasoned and speaking order to the applicant forthwith. If on consideration, the case of the applicant is found to be genuine the respondent authorities are directed to convene a review DPC to consider the case of the applicant for granting Non-Functional Upgradation as granted to his batchmates and grant the consequential benefits accordingly.

(Manjula Das)  
Member (J)

drh