

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA**

OR. 350 | 01473/2016

**PARTICULARS OF THE APPLICANT:**

Ashok Roy son of late Naresh Chandra Roy, aged about 61 years working as Cleaner in the Indian Museum residing at C/O Bikash Banerjee Ideal school Road (Near Water Pamp) Bonding, Rabara, Kolkata 700118.

..... APPLICANT

**V E R S U S**

- i) The Union of India, through the Secretary, Ministry of Culture, New Delhi 1
- ii) Director, Indian Museum Kolkata, 27 Jawaharlal Nehru Road, Kolkata 700016
- iii) Office on Special Duty and Project Manager, 27 Jawaharlal Nehru Road, Kolkata 700016

..... RESPONDENT

ASL

No. O.A. 350/01473/2016

Date of order: 7.6.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : None

**O R D E R (Oral)**

**A.K. Patnaik, Judicial Member:**

Heard Mr. A. Chakraborty, Ld. Counsel appearing for the applicant.

2. This O.A. has been filed by Shri Ashok Kr. Roy, working as Cleaner in the Indian Museum challenging Office Order No. IM(T)PERS/104/860 dated 29.1.2016 issued by the OSD & Project Manager, Indian Museum, Kolkata. This O.A. has been filed praying for the following reliefs:

- "a) Office Order IM(T)/PERS/104/860 dated 29.1.2016 issued by OSD & Project Manager, Indian Museum, Kolkata cannot be sustained in the eye of law and same may be quashed.
- b) An order do issue directing the respondents to rectify the pay of the applicant without taking into account office order dated 29.1.2016 and also to pay arrears.
- c) An order do issue directing the respondents to refund the amount already deducted from DCRG of the applicant in view of the O.M. dated 12.3.2016 as well as the Judgment passed by Hon'ble Apex Court in State of Punjab and Others v. Rafique Masih."

3. The facts in a nut shell as per Mr. A. Chakraborty, Ld. Counsel for the applicant are that the applicant was initially appointed as Cleaner in the Indian Museum w.e.f. 30.12.1976. He was working as Exhibit Cleaner. He retired from service on attaining the age of superannuation on 31.1.2016. The authority of Indian Museum just one day before his retirement on

*[Signature]*

30.1.2016 has refixed his pay in terms of Government of India O.M. dated 19.5.2016. In the said order of fixation, it was clearly mentioned that his fixation of pay was made in cancellation of all the earlier orders issued with effect from 1.1.2006.

4. Mr. A. Chakraborty, Ld. Counsel for the applicant 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. 2 to dispose of the representation dated 17.02.2016 within a specific time frame.

5. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 2, that if any such representation have been preferred on 17.02.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicants' grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from granting the benefits of pay fixation to the applicant. However, if in the meantime, the representation stated to have been preferred on 17.02.2016 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. A. Chakraborty undertakes to



deposit necessary cost in the Registry by the next week.

8. With the aforesaid observation and direction, the O.A. is disposed of.

(Jaya Das Gupta)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

SP