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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1580/2016

Date of order : 26.4.2017

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

NAMITA ACHARYA

W/o Sri Pranab Kumar Acharya,
Working as Public Health Nurse
At Urban Health Unit & Training Centre,
19B Chetla Hat Road,
Kolkata - 700027,
Under All India Institute of Hygiene
& Public Health,
110 C.R. Avenue,
Kolkata - 700073,
R/o F4/1 Santi Sarani,
Kam dahari, Garia,
Kolkata - 700084.

...APPLICANT

VERSUS

1. Union of India, service through
The Secretary,
Min. of Health & Family Welfare,
Nirman Bhawan,
New Delhi - 110108.
2. The Director General of Health Service (PH)
CDL Section,
Nirman Bhawan,
New Delhi - 110108.
3. The Director,
All India Institute of Hygiene
& Public Health,
110 C.R.Avenue,
Kolkata - 700073.

...RESPONDENTS.

For the applicant : Mr.S.K.Dutta, counsel

For the respondents: Mr.A.Mondal, counsel

Wd,

O R D E R

Mr.A.K.Patnaik, J.M.

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

- a) An order quashing and/or setting aside the speaking order date 23.11.15 so far as fixation of pay of the applicant is concerned;
- b) An order holding that the applicant was entitled to the benefits of Grade Pay of Rs.5400/- in PB-3 w.e.f. 1.1.06 and consequent MACP benefits in the Grade Pay of Rs.6600/- in PB-3 with all consequential benefits and accordingly, the applicant prays for a further order to grant the said benefits along with all consequential monetary benefits as well as consequential post retirement benefits with arrears as well as with interest within a period as to this Hon'ble Tribunal may seem fit and proper.
- c) An order holding that the denial of ACP benefits/withdrawal of ACP benefits earlier granted to the applicant by speaking order dated 23.11.15 is bad in law, arbitrary and misconceived and accordingly, the applicant is entitled to the benefits of ACP as was granted and consequent fixation of pay in the Grade Pay of Rs.5400/- in PB-3 w.e.f. 1.106 with all consequential benefits.
- d) An order directing the respondents to produce/cause production of all relevant records.
- e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.

2. Heard Mr.S.K.Dutta, Id. Counsel appearing for the applicant and Mr.A.Mondal, Id. Counsel appearing for the respondents.

3. Mr. Dutta fairly submitted that the instant case is covered by the decision of this Tribunal given in OA 1238/16 dated 16.1.17 which has been given by a Single Member and prayed that same benefit be extended to the present applicant. It is noticed that the applicant has not made any representation praying for such benefits before the appropriate authority.

4. Accordingly liberty is given to the applicant to ventilate her grievance to the appropriate authority i.e. respondent No.2 within one month enclosing a copy of the order dated 16.1.2017 in OA 1238/16. The

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respondent No.2 is hereby directed to consider the representation of the applicant and communicate the result thereof by way of a well reasoned order within a period of one month from the date of receipt of this order as per rules after examining the applicability of the aforesaid order in case of the applicant. If after such consideration the applicant is found entitled to the benefits, then expeditious steps be taken to extend such benefits to her within a further period of two months. It is made clear that we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation to be made are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force.

5. As prayed for by Mr.Dutta, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he undertakes to deposit the cost. A free copy of this order be handed over to Mr.Mondal, ld. Counsel for the departmental respondents, who is present in the Court today.

6. With the aforesaid observation and direction the OA is disposed of.

(JAYA DAS GUPTA)
MEMBER (A)

in

(A.K.PATNAIK)
MEMBER (J)

Continued 4 (PTO) - JW

While agreeing with the orders of the Hon'ble Judicial Member it is observed that the order of the Tribunal referred to above in OA 1238/16 dated 16.1.17 has been given by a Judicial Member sitting singly and MACP is a Division Bench matter. The respondent authorities are also directed to consider the orders given by a Division Bench of CAT in a similar matter in OA 351/00195/2014 (S.H.K.Murti, A.K.Paul, S.Ganeshan, Anil V. John, Smt. Lata Hegde Prasad, Saji Ibrahim, C.A.Majid, K.G.Russogi, Barun Kr. Chowdhury, Rajee George, Padamdev, Ayub Hasan Applicants -vs- Union of India through Secretary, Ministry of Forest & Climate Change, Secretary, Ministry of Finance, Chief Secretary, A&N Administration & Principal Chief Conservator of Forests ... Respondents) dated 28.4.2016 which has also been published in Swamy News dated June 2016, where they are giving their final orders as per our order.

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(JAYA DAS GUPTA)
MEMBER (A)

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