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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 350/1645/2015

Date of order : 16.2.2017

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

**MADHUSUDAN MANDAL**

Aged about 65 years,  
S/o Late Yubraj Mandal,  
R/o 3/7 Golden Park,  
SB.B. Patel Road,  
Bidhan Nagar,  
Durgapur,  
Dist. - Burdwan,  
Pin - 713206,  
Superannuated from service in 2010  
From the office of  
Military Engineering Services under  
Garrison Engineer (AF), Bagdogra,  
P.O.- Bagdogra Air Port,  
Dist.- Darjeeling,  
Pin - 734421.

...APPLICANT

VERSUS

1. Union of India, service through  
The Secretary,  
Ministry of Defence,  
Government of India,  
South Block,  
New Delhi - 110001.
2. The Garrison Engineer (AF)  
Bagdogra,  
Military Engineering Services,  
P.O- Bagdogra Air Port,  
Dist. - Darjeeling,  
Pin - 734421.

...RESPONDENTS.

For the applicant : Mr.P.C.Das, counsel  
Ms.T.Maity, counsel

For the respondents: Mr.P.Pramanik, counsel

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O R D E R

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

This OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 seeking the following prayers :

- a) To pass an appropriate order directing upon the respondent authority to give the benefit of 1<sup>st</sup> ACP in favour of the applicant by not taking into consideration the re-designation/merger of the post from MPA to FGM (SK) as promotion and to give the appropriate Grade Pay as Pay Band and Basic Pay by giving such benefit w.e.f. the date of eligibility of the applicant along with all consequential benefits
- b) To pass an appropriate order directing upon the respondent authority to give the appropriate benefit of MACP by giving the Grade Pay of Rs.4200/- in the Pay Bank of Rs.4300-34800 by not considering the re-designation/merger as promotion along with all consequential benefits.
- c) To pass an appropriate order directing upon the respondent authority that since the applicant has already retired from service, therefore, by giving the appropriate benefit of ACP and MACP the Pension Payment Order has to be re-fixed and to give the enhanced pension by giving the benefit of ACP and MACP along with all consequential arrears within a specific period of time.

2. Heard Mr.P.C.Das, Id. Counsel along with Ms.T.Maiti, Id. Counsel appearing for the applicant and Mr.P.Pramanik, Id. Counsel appearing for the respondents.

3. Mr. Das submitted that as the applicant has already ventilated his grievance by way of representations dated 20.2.14 and 7.7.14 before the respondent No.2 and till date no reply has been received by him, the applicant will be satisfied if respondent No.2 is given a direction to consider and dispose of the representation within a specific time frame.

4. We think it will not be prejudicial to either of the side if we allow the OA by directing the respondent No.2 to consider the representation, if any such representation/appeal is preferred by the applicant and is still pending consideration and dispose it of by a well reasoned order and communicate the same to the applicant within 6 weeks from the date of receipt of this order.

5. Though 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, still then we made it clear that if after such consideration

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the applicants' grievance is found to be genuine then expeditious steps may be taken within a further period of 6 weeks from the date of such consideration to extend those benefits to the applicant.

6. As prayed for by Mr.Das, 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 will deposit the cost with the Registry within a period of one week. A free copy of this order be handed over to Mr.Pramanik, Id. Counsel for the departmental respondents, who is present in the Court today.

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

(JAYA DAS GUPTA)  
MEMBER (A)

(A.K.PATNAIK)  
MEMBER (J)

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