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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

**LIBRARY**

No. OA 350/1675/2017  
MA 350/931/2017

Date of order : 31.1.2018

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

**JOYDEB DEY**

S/o Late Birendra Kumar Dey,  
Working as Senior Private Secretary,  
Income Tax Appellate Tribunal,  
225 C, AJC Bose Road,  
Kolkata - 700020,  
R/o 'Chayanika',  
Sarat Bose Lane,  
PS - Airport,  
Kolkata - 700081.

**SATYAJIT LAHA**

S/o Late Sambhu Nath Laha,  
Working as Senior Private Secretary,  
Income Tax Appellate Tribunal,  
225 C, AJC Bose Road,  
Kolkata - 700020,  
R/o HB 8/1, Aswininagar,  
Soudamini Apartment,  
Flat No. 4/1, Baguiati,  
Kolkata - 700059.

...APPLICANT

VERSUS

1. Union of India, through  
The Secretary,  
Ministry of Law & Justice,  
Shashtri Bhawan,  
New Delhi - 110001.
2. The President,  
Income Tax Appellate Tribunal,  
Old Central Govt. Offices Building,  
101 Maharshi Karve Marg,  
Mumbai - 400020.
3. The Sr. Accounts Officer,  
Pay & Accounts Office,  
Department of Legal Affairs,  
Ministry of Law & Justice,  
4<sup>th</sup> Floor, Janpath Bhawan,  
Janpath,  
New Delhi - 110001.
4. The Assistant Registrar (DDO)  
Income Tax Appellate Tribunal,  
225 C, AJC Bose Road,  
Kolkata - 700020.

...RESPONDENTS.



For the applicant : Mr.N.Roy, counsel

For the respondents: None

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.N.Roy, Id. Counsel appeared for the applicant. None appeared for the respondents.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) To issue direction upon the respondents authority to grant 3<sup>rd</sup> MACP benefit to the applicants herein from 1.1.2016 forthwith along with all arrears accrued thereon;
- b) To issue direction upon the respondents to consider the representations dated 7.12.2016, 25.1.2017 and 1.6.2017 for MACP benefit of the applications forthwith;
- c) To issue further direction upon the respondents to quash/cancel and/or set aside the impugned order dated 2.12.2016, issued by the Assistant Registrar, ITAT forthwith;
- d) To issue further direction upon the respondents to consider MACP benefit vide letter dated 10.1.2002 where the applicants got First ACP benefit forthwith;
- e) Any other order or orders as the Id. Tribunal deem fit and proper;
- f) To produce connected departmental record at the time of hearing;
- g) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT (Procedure), 1987.

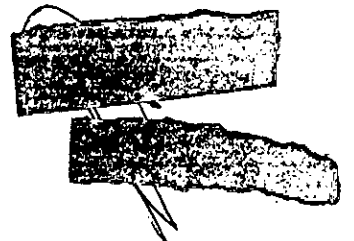
3. Mr.Roy, Id. Counsel for the applicant submitted that while working as Personal Assistant in the pay scale of Rs.6500-10,500/- the applicants got ACP benefit vide letter dated 10.1.2002 and has been upgraded to Senior Private Secretary in the pay scale of Rs.7500-12000/- w.e.f. 18.8.2001. Thereafter on recommendation of 6<sup>th</sup> CPC, Grade Pay of Rs.5400/- in the pay scale of Rs.8000-13,500/- has been given to the applicants for completion of four years service in the pay scale of Rs.7500-12000/- w.e.f. 1.1.2006 which ought to be treated as 2<sup>nd</sup> ACP. The Id. Counsel further submitted that the applicants are entitled to 3<sup>rd</sup> MACP of Grade Pay of Rs.6600/- w.e.f. 1.1.2016 which is due after completion of 10 years' service from 1.1.2006. The applicants have made representation to the respondent authorities for MACP benefit but till date the same has not been considered and instead of that the impugned order dated 2.2.2016 has been passed. Hence the applicants have approached this Tribunal in the present OA.

4. Ld. Counsel for the applicants submitted that the applicants will be satisfied if a direction is given to the respondent authorities to consider the representations dated 7.12.2016, 25.1.2017 and 1.6.2017 preferred by the applicants and pass a reasoned and speaking order within a stipulated time.

5. Heard the ld. Counsel for the applicants and perused the pleadings on record.

6. In view of the above I hereby dispose of the present OA with a direction to the respondent authorities to consider the representations dated 7.12.2016, 25.1.2017 and 1.6.2017 for MACP benefit, within a period of three months from the date of receipt of the copy of this order. The decision so arrived at shall be reasoned and speaking one and shall be communicated to the applicant forthwith.

5. With the above observation and direction the OA stands disposed of. No order as to costs.



(MANJULA DAS)  
JUDICIAL MEMBER

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