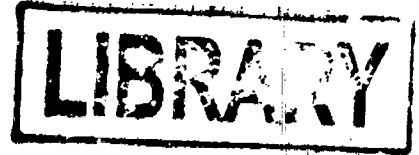


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1687/2017

Date of order : 12.2.2018

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

DR. NARENDRA SHANKAR PANDEY
S/o Rama Shankar Pandey,
Working as Dy. Director & Scientist 'D' (Ballistics)
30 Gorachand Road,
Kolkata - 700014,
Under CFSL, Kolkata,
R/o Flat No.4, Type V,
21 Ritchie Road,
Kolkata - 700019.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block,
Central Secretariat,
New Delhi - 110001.
2. The Director cum chief Forensic Scientist,
Govt. of India,
Ministry of Home Affairs,
Directorate of Forensic
Science Block,
No.9, 8th Floor,
CGO Complex,
Lodhi Road,
New Delhi.
3. Joint Secretary (PM Division),
Ministry of Home Affairs,
Jaisalmar House,
New Delhi - 110011.

...RESPONDENTS.

For the applicant : Mr.A.Chakraborty, counsel
Ms.P.Mondal, counsel

For the respondents: Mr.S.Banerjee, counsel

O R D E R (ORAL)

Per Ms.Manjula Das, Judicial Member

Mr.A.Chakraborty, ld. Counsel assisted by Ms.P.Mondal, ld. Counsel
appeared for the applicant. Affidavit of service has been filed by

Mr.Chakraborty, By producing the track report the ld. Counsel for the applicant submitted that the application has been sent to the Department by Speed Post on 16.1.2018. None appeared for the respondents.

Later on Mr.S.Banerjee, ld. Counsel appeared for the respondents and filed memo of appearance.

2. At the outset Mr.Chakraborty, ld. Counsel for the applicant seeks liberty to correct some typographical mistakes. Prayer is allowed.

3. By this OA the applicant makes a prayer for setting aside the impugned order dated 14.5.2012 whereby the respondent authorities kept in abeyance the order dated 8.5.2012 passed by respondent No.2.

4. Mr.A.Chakraborty, ld. Counsel appearing on behalf of the applicant submits that the applicant was appointed as Junior Scientific Officer (Ballistics) in CFSL in Kolkata on 14.8.1991. Thereafter he was promoted to the post of Sr. Scientific Officer (Ballistics) w.e.f. 13.11.1995. On 18.4.2001 the applicant was again promoted to the post of Assistant Director (Ballistics) in CFSL Chandigarh and continued as such for about 12 years. Accordingly ld. Counsel submitted that 3rd MACP is due from 18.4.2011 as per MACP scheme after working for 10 years as Assistant Director. It is submitted by the ld. Counsel that vide order dated 8.5.2012 the applicant was granted the financial upgradation under MACP scheme w.e.f. 18.4.2011. However, subsequently vide impugned order dated 14.5.012 the benefit granted under the MACP scheme, the applicant was kept in abeyance till further orders by the respondent No.2. The applicant did make representation dated 21.1.2014 as well as 3.8.2016 before the respondent No.3 with a request to meet the Jt. Secretary so as to know the reason of delay in not providing MACP as well as for grant of 3rd MACP to the applicant. Mr.Chakraborty has drawn my attention to Annexure A/5 to the OA which is the letter of Administrative Officer from the Directorate of Forensic Science Services, Ministry of Home Affairs which has been communicated to the applicant. The said letter reveals that the matter of the applicant has been sent to the Ministry of Home Affairs. The application of the applicant was forwarded by the Directorate on 24.8.2016 for resumption of 3rd

financial upgradation under MACP scheme and subsequent reminder dated 21.10.2016, 1.12.2016 and 24.1.2017. According to the Id. Counsel the matter is still pending before the authority. For such inaction of the respondents for not granting the benefit as per the MACP scheme, the applicant is suffering and accordingly has prayed for a direction to the respondent authorities to take immediate consideration of the case of the applicant as per the MACP scheme.

5. I have perused the pleadings and materials placed before me as well as documents annexed herein.

6. It is noted that vide office order dated 8.5.2012 the respondent No.2 granted the financial upgradation as per the MACP scheme to the applicant. However, subsequently without any reason assigned, the benefit so extended was kept in abeyance till further orders. As the matter is long pending before the authorities and not yet settled or decided, I am of the view that the matter be sent back to the respondent authority to take a final call as per the MACP scheme.

6. Accordingly without going into the merits of the case, I direct the respondent authorities to take a decision in the case of the applicant for granting the financial upgradation as per the MACP scheme 2009 within a period of three months from the date of receipt of the copy of this order. If the applicant's case is found to be genuine, the benefits to be extended to the applicant and if the decision of the authorities goes against the grievance of the applicant, the same shall be communicated to the applicant forthwith by passing a reasoned and speaking order.

7. Therefore the OA stands disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER