

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No.O.A.350/01702/2015

Date of order : 05.05.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
 Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. Atindranarayan Sinha
2. Jayanta Ganguly
3. Bijoy Kumar Das
4. Shyam Sundar Das
5. Satya Narayan Mandi

VS.

UNION OF INDIA & ORS.
 (N.S.S.O.)

For the applicant : Mr. K. Sarkar, counsel

For the respondents : Mr. B.B. Chatterjee, counsel

ORDER

Per Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicant and Id. counsel for the respondents.

2. The applicants claimed that they were granted financial benefit of Special Pay in terms of the order of the Hon'ble Supreme Court which was accepted by the concerned Ministry and thereafter their pay was fixed. It has been contended by the applicants that all of them retired from service and thereafter they came to know that certain amounts have been overpaid to them, therefore, the same was deducted from their gratuity amount. Being aggrieved by the alleged recovery which was made by the department, the applicants have filed this O.A.

3. It appears from the file that out of the five applicants in this O.A., only two, namely, Atindranarayan Sinha (Applicant No.1) and Satya Narayan Mandi (Applicant No.5) made representations dated 23.09.2015 which are annexed with the O.A. as Annexure A-10, but the same have not been disposed of.

4. As the cause of actions for the applicants are different, so, permission cannot be granted to the applicants to club together in one application. We are of the view that the case of the applicants who made representations to the authorities and the applicants who did not make representations should be dealt with separately. So far as the applicant No.1 and applicant No.5 are concerned they made representations as per Annexure A-10 of this O.A.. So, we direct the competent authority to decide their representations by passing a reasoned and speaking order under communication to the applicants, within a period of three months from the date of production of a certified copy of this order along with the copy of the representations. So far as the Applicant No.2,3 and 4 are concerned, they came straightway to this Tribunal without

exhausting the available remedy of making representation before the authorities. Therefore, liberty is given to them to make representations to the competent authorities ventilating their grievances within a period of one month from today along with certified copies of this order and if such representations are filed, the competent authority shall dispose of the same by passing reasoned and speaking orders within three months from the date of receipt of such representations under intimation to them.

5. With these observations, the O.A. is disposed of.

(Jaya Das Gupta)
Administrative Member
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(Justice V.C. Gupta)
Judicial Member