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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

No.O.A. 350/261/2015

Date of order : 31.10.2017

Coram : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Ujjwal Roy, son of late Sudhirendra
Narayan Roy, aged about 67 years,
Worked as Registrar of Companies,
West Bengal, Kolkata residing at
Udayan Pally Santiniketan, Ground
Floor, 114/9, Diamond Harbour
Road, Kolkata 700008.

.....Applicant

- Versus -

1. Union of India, service through
the Ministry of Corporate Affairs,
Shastri Bhawan, 5th Floor, A-Wing,
Dr. R.P. Road, New Delhi- 110001.
2. Under Secretary to the
Government of India, Ministry of
Corporate Affairs, Shastri Bhawan,
5th Floor, A-Wing, Dr. R.P.Road, New
Delhi-110001.
3. Secretary, Ministry of Personnel
Public Grievances and Pensions,
Department of Personnel and
Training, Government of India, North
Block, New Delhi-110001.
4. The Secretary, Department of
Personnel & Training, North Block,
New Delhi – 110001.



5. Regional Director, Ministry of
Corporate Affairs, Eastern Region,
Nizam Place, 2nd MSO Building, 3rd
Floor, 234/4, A.J.C. Bose Road,
Kolkata-700020.

..... Respondents

For the applicant : Mr. B. Chatterjee, counsel

For the respondents : Mr. P. Mukherjee, counsel

ORDER (ORAL)

Ms. Manjula Das, Judicial Member

By this O.A, the applicant makes a prayer for granting of Non Functional Upgradation (NFU) benefits w.e.f 16.08.2014 and pay the arrears thereof with interest. The applicant has also prayed for a direction to the respondents to recalculate his terminal dues by taking into consideration the grant of Non Functional Upgradation(NFU) benefits w.e.f 16.08.2014.


2. Heard Mr. B. Chatterjee, Id. counsel for the applicant and Mr. P. Mukherjee, Id. counsel for the respondents.

3. The Id. Counsel for the applicant submitted that the applicant was appointed under the respondents as Company Prosecutor, Grade III in the year 1970 and during the period from 15.09.1999 to 24.03.2003 he had functioned as Official Liquidator, High Court at Kolkata. The name of the applicant appeared in the Gradation List of Officers of Indian Company Law Service. According to the applicant, he was entitled to Selection Grade (Non Functional) in the Pay Scale of Rs. 14300-18300 while working as Junior Administrative Grade Officer of the Indian Company Law Service. The grievance of the applicant is that, the persons who were junior to him were granted the benefit of such Selection Grade (Non

Functional) vide order dated 16.08.2004 (Annexure A-2) but he was left out. It was submitted by the Id. counsel for the applicant that a disciplinary proceeding was initiated against the applicant and vide order dated 23.10.2007 penalty of reduction of pay by 2 stages in the time scale of pay till his retirement was imposed upon him. It was further submitted by the Id. counsel for the applicant that the applicant made several representations to the authorities praying for grant of Non Functional Upgradation (NFU) benefits and for payment of arrear dues but the respondents didn't consider his prayer.

4. On the other hand, the Id. counsel for the respondents has drawn our attention to para 6.10 and 6.11 of their reply and submitted that due to pendency of a disciplinary proceeding against the applicant the recommendations of the Selection Committee were kept in sealed cover and after conclusion of the said disciplinary proceeding a penalty of reduction of pay by 2 stages in the time scale of pay till his retirement was imposed upon him vide order dated 23.10.2007. It was further submitted that the applicant retired on superannuation on 31.10.2007, therefore, the recommendations of the Selection Committee in respect of the applicant kept in the sealed cover, had not been acted upon and remained in sealed cover. So far as grant of Non Functional Upgradation benefits are concerned, it is stated that the case of the applicant was deferred in absence of APARs by the Screening Committee held on 01.11.2013.

5. The Id. Counsel for the respondents submitted that that the applicant's case could not be considered in the relevant period because he was charge sheeted vide order dated 08.09.2003 which resulted in imposition of aforesaid punishment order dated 23.10.2007 which continued till his retirement i.e. on 31.10.2007, therefore, the applicant has no ground to agitate the issue.



6. Ld. counsel for the applicant however prays before this court for a liberty to make a comprehensive representation before the appropriate authority by ventilating his grievances and the respondents be directed to dispose of the same within a specific time frame.

6. Ld. counsel for the respondents has no objection if so liberty be granted.

7. By considering the prayer made by Id. Counsel for the respondents we are granting liberty to the applicant to make a comprehensive representation to the appropriate authority ventilating his grievances ^{and} by substantiating with relevant rules within a period of 15 days from the date of receipt of this order. If such representation is filed within the stipulated period, the respondent authority, more particularly, the Respondent No. 1 shall dispose of the same by passing a reasoned and speaking order as per rules by giving an opportunity of being heard of the applicant within a period of 3 months thereafter. The decision so arrived at shall be communicated to the applicant forthwith. Liberty is however granted to the applicant to approach this Tribunal if he is not satisfied with the decision of the respondents.

8. With the above observation and directions, the O.A is disposed of. No order as to costs.

(Dr. N. Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

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