

**No. M.A. 350/00147/2018  
O.A. 350/00271/2018**

**Date of order: 19.3.2018**

**Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

For the Applicant : Mr. G.C. Chakraborty, Counsel

For the Respondents : Mr. G.K. Roy, Counsel

**O R D E R (Oral)**

**A.K. Patnaik, Judicial Member:**

Heard Mr. G.C. Chakraborty, Ld. Counsel for the applicant and Mr. G.K. Ray, Ld. Counsel for the official respondents.

2. The Miscellaneous Application No. 350/00147/2018 filed for joint prosecution is allowed.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

“(a) To grant leave to the applicants to join together to move the present original application on self same fact and cause of action having common interest in the matter for same relief as prayed for.

(b) To quash and set aside the impugned order dated 21.2.2017 (A-9 of the O.A.)

(c) To direct the respondent (especially respondent No. 3) to extend the (i) benefit of grade pay of Rs. 4600/- in respect of the applicants holding the post of Section Supervisor on 1.1.2006 as allowed to other section supervisor junior to the those applicant and /or (ii) benefit of the 3<sup>rd</sup> financial upgradation at the stage of grade pay of Rs. 4600/- from 1.9.2008 in respect of the applicants who completed 30 years of service on or before 1.9.2008 or thereafter before their retirement and fix the pay accordingly with a further direction to revise the pension under 6<sup>th</sup> CPC and consequent effect of further upward revision under 7<sup>th</sup> Pay Commission.

(d) direct the Respondent authorities (especially respondent No. 3) to make payment of arrear pay and allowances and thereafter arrear pension forthwith along with amount of interest @ 18% per annum along with the cost of the present proceeding.

AND

(e) Any other order/orders as your Lordships would deem fit and proper for the ends of justice.”

4. As prayed for by Mr. G.C. Chakraborty, Ld. Counsel for the applicant, the applicants were initially appointed as LDC in EPF organization. They were promoted to the post of UDC and thereafter placed to UDC SG which was not the

promotional post as per clarification of DOPT. Thereafter he was promoted to the post of Head Clerk/Section Supervisor with identical Grade Pay of Rs. 4200/-. The pre-revised pay scale of Head Clerk and Supervisor were merged in PB-2 with Grade Pay of Rs. 4200/-. As per the applicants they got two financial upgradations and they were rightfully entitled to 3<sup>rd</sup> MACP after completion of 30 years of service. As per the applicants the grade pay for the post of Section Supervisor has been upgraded from 2016. The applicants preferred several representations, which are still pending consideration.

5. Mr. Chakraborty, Ld. Counsel fairly submits that the applicants would be more or less satisfied if the respondent No. 5 is directed to consider the representation dated 29.3.2017 and also their appeal dated 25.8.2017.

6. We do not think it would be prejudicial to either of the side, if such an order is passed and, accordingly, we dispose it of without entering into the merits of the case by directing the respondent No. 5 to consider the representation dated 29.3.2017 along with appeal dated 25.8.2017, if it is filed and is still pending consideration within a period of six weeks from today. After such consideration, if the applicants' grievance is found to be genuine then expeditious steps may be taken for extending the benefits to the applicant within a further period of six weeks from the date of such consideration.

7. With the aforesaid observation and direction, this O.A. stands disposed of.

8. As prayed for by Mr. Chakraborty, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 5 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry by this Friday.

**(Dr. Nandita Chatterjee)**  
**Administrative Member**  
**SP**

**(A.K. Patnaik)**  
**Judicial Member**