



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00333 of 2016

IN THE MATTER OF.

1. ASIS BISWAS, aged about 44 years, son of Shri Dilip Biswas, residing at 33/D Subhas Pally, Kolkata- 700092, and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General;

2. ASHIM KUMAR ROY, aged about 44 years, son of Late Sailendra Bijoy Roy, residing at 126/N, Banerjee Para Road, Post Office- Sarsuna, Kolkata- 700061 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General

3. JHUMU DEY, aged about 43 years daughter of Late Bijoy Chandra Dey residing at 18/1, A, Swinhoe Street

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Kolkata- 700019 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

4. **SUKLA DEBNATH**, aged about 50 years daughter of Late Jiban Krishna Sikdar residing at 3B, Gagan Sarkar Road, Kolkata- 700010 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

5. **ITU GHOSH (DAS)**, aged about 48 years daughter of Late Jogendra Das, residing at 81/20A, Regent Colony, Kolkata- 700040 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

6. **SOUMEN ROY**, aged about 47 years, son of Late Sambhu Nath Roy, residing at 2

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Motilal Colony, Post Office- Rajpath, Police Station- Dum Dum, Kolkata- 700080 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

7. SUDIP ADHIKARY, aged about 44 years, son of Late Subal Chandra Adhikary, residing at 43/5A, Murari Pukur Road, Kolkata- 700067 and at present working as Lower Division Clerk in the office of the Central Statistics Office (Industrial Statistics Wing), 1, Council House Street, Calcutta- 700001 under the Deputy Director General.

Applicants

-Versus-

1. UNION OF INDIA service through the Secretary, Ministry of Statistics and Programme Implementation, Sardar Patel Bhavan, Sansad Marg, New Delhi- 110001.



2. THE DIRECTOR GENERAL, Central
Statistics Office, Ministry of Statistics and
Programme Implementation, Sardar Patel
Bhavan, Sansad Marg, New Delhi-
110001

3. THE DEPUTY DIRECTOR GENERAL,
Central Statistics Office (Industrial
Statistics Wing), 1, Council House Street,
Calcutta- 700001.

Respondents

all

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr.P.C. Das, counsel
Ms. T. Maity, counsel

For the respondents : Mr. S. Paul, counsel

ORDER

A.K. Patnaik, Judicial Member

Heard both sides.

2. The instant O.A. has been filed by seven applicants on under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the impugned office orders dated 18.05.2010(Annexure A-6 to the O.A.) and 08.06.2010(Annexure A-5 to the O.A.) by which the respondent authorities withheld 60% of arrear of pay and allowance of the applicants. The applicants have also challenged non-consideration of their representations filed to the respondent authorities on 19.08.2014 and 10.03.2015 being Annexure A-8(collectively) to the O.A.

3. In the O.A., the applicants have prayed for the following reliefs:-

8(a) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules, 1987 as the applicants have a common grievance;

(b) To pass an appropriate order directing upon the respondent authority to disburse the 60% arrear of pay & allowance arising out of 6th Central Pay Commission and consideration the benefit of ACP and MACP thereof in favour of the present applicants who are the regular employees holding the post of Lower Division Clerk and they did not get 60% arrear of pay & allowance after 6th Central Pay Commission recommendation which is tantamount to violation of the Central Civil Service(Revised Pay) Rules, 2008 where all the central government employees got the arrears of pay by virtue of 6th Central Pay Commission except your applicants which is



tantamount disobedience and violation of Article 14 and 16 of the Constitution of India;

(c) To quash and/or set aside the order of kept in abeyance issued by the Director, Ministry of Statistics & P.I., Central Statistics Office(Industrial Statistics Wing) dated 08.06.2011 and the order of Pay and Accounts Officer, Ministry of Statistics & P.I., Central Statistics Office(Industrial Statistics Wing) dated 26.04.2010 which was communicated by the Director and Head of Office, Ministry of Statistics & P.I., Central Statistics Office(Industrial Statistics Wing) vide letter dated 18.05.2010 being Annexure A-5 and A-6 of this original application which is clear in violation of the recommendation made by the 6th Central Pay Commission and by withholding the 60% arrear of pay & allowance in respect of the present applicants are otherwise arbitrary and illegal;

(d) The respondents be directed to retain the Circular dated 30th October, 2013 by which the Seniority List has been published where the names of the applicants appeared at Serial Nos.3,4,5,6,7,9 and 10 and the date of regularisation which was shown in the said seniority list should be retained and subsequent benefit of ACP and MACP should be given in favour of the applicants which they are otherwise entitled to along with all consequential benefits."

4. On a perusal of record it appears that this O.A. was filed on 19.02.2016. Ld. counsel Mr. S. Paul appeared for the respondents after receipt of notice. No reply or rejoinder have been filed in the matter despite repeated directions given by this Tribunal.

5. Today Mr. S. Paul appearing on behalf of the respondents has brought to my notice a letter dated 27th June, 2017 written to him by the Under Secretary to Government of India, Ministry of Statistics & PI, Central Statistics Office(I.S. Wing) by way of filing a memo. The relevant portion of the said letter is quoted below :-

"I am directed to refer to the aforesaid subject and to state that the case is scheduled for hearing on 28.06.2017 before the Hon'ble CAT, Calcutta Bench. In this connection, Ministry of Statistics & Programme Implementation (MOS&PI), New Delhi has intimated that the issue involved in this case is still under examination of the Ministry. Therefore, it has been requested to seek extension of time for a further period of at least 3(three) months or more from the Hon'ble CAT.



Accordingly you are requested to kindly seek at least 3(three) months' or more time from the Hon'ble CAT, Calcutta Bench when the case comes up for hearing on 28.06.2017.

A copy of the communication received from the Ministry in this regard is forwarded herewith for ready reference"

The Office Memorandum which was forwarded alongwith the above letter dated 27.06.2017 is also quoted below for ready reference:-

"OFFICE MEMORANDUM

"Sub : Proposal of payment of 60% arrears of Pay and Allowances on the basis of 6th CPC recommendations to the contractual employees of CSO(IS Wing), Kolkata regularized by them – OA No.350/00333/2016-Shri Asis Biswas & Ors. Vs. UOI.

The undersigned is directed to refer to CSO(IS Wing)'s letter dated 04.03.2017 addressed to ADG(ESD) on the above cited subject and to say that the matter regarding release of payment of 60% arrears of Pay and Allowances on the basis of 6th CPC recommendations to the nine (09) contractual employees of CSO(IS Wing), Kolkata regularised by them is under examination of this Ministry. ESD has been requested under single filing system vide note of the Ministry dated 23.06.2017 for finishing their comments/views in the instant matter to the Ministry.

2. In view of the above, CSO(IS Wing) is requested to seek extension of time for a further period of at least 3 months or even more from the Hon'ble CAT, Calcutta Bench in OA No.350/00333/2016 Shri Asis Biswas & Ors. Vs. UOI & Ors. and keep this Ministry updated the status of this case."

6. In view of the above, nothing remains to be adjudicated in this O.A. Accordingly the respondents are directed to act as per the office memorandum quoted above within a period of three months from the date of receipt of this order.

8. Accordingly the O.A. stands disposed of. No order as to cost.


(A.K. Patnaik)
Judicial Member

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