

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, CIRCUIT AT PORT BLAIR**

**O.A.NO. 351/00423/A&N OF 2014** *2017*

**IN THE MATTER OF:**

An application under section 19 of the Central  
Administrative Tribunal Act, 1985.

**-And-**

**IN THE MATTER OF:**

Smti Javitri Devi W/o Shri Rominder Nath, working as  
Primary School Teacher in Government Secondary  
Scgoll Dairy Farom, Port Blair, R/o Near Ganesh  
Mandir, School Lines, Port Blair, South Andaman  
District.

**.....Applicant**

**-Versus-**

1. Union of India through the Secretary, Ministry of Human  
Resource Development (Education Department), Govt. of  
India, Shastri Bhavan, New Delhi-110001.
2. The Lt. Governor, Andaman & Nicobar Islands, Raj  
Niwas, Port Blair-744101.
3. The Chief Secretary, A & N Administration, Secretariat  
Building, Port Blair.-744101
4. The Secretary-cum-Director (Education), Andaman &  
Nicobar Administration, Secretariat Building, Port Blair.

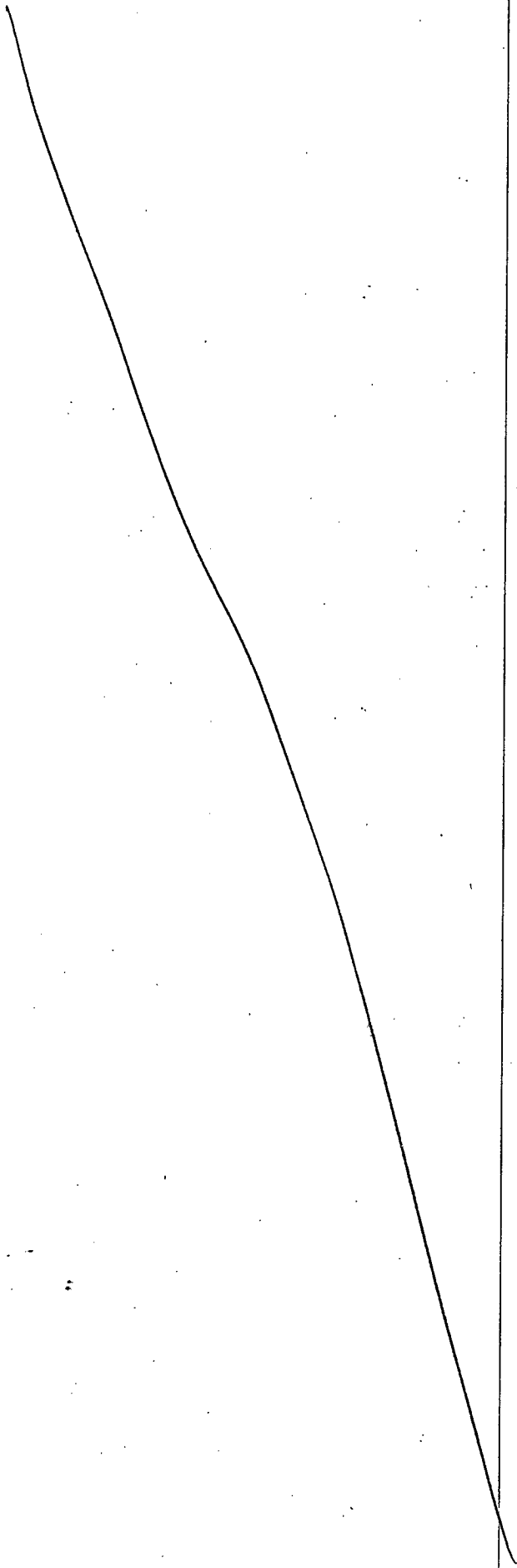
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*[Signature]*

5. The Deputy Director (Perl.), Directorate of Education,  
VIP Road, Port Blair-744103

.....**Respondents**

*de*



No. O.A. 351/00423/2017

Date of order: 5.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Ms. Minnie Mathew, Administrative Member

For the Applicant : Mr. R. Singh, Counsel  
Mr. T.K. Das, Counsel

For the Respondents : Mr. S.K. Mandal, Counsel  
Mr. S.C. Misra, Counsel

### ORDER (Oral)

#### Per A.K. Patnaik, Judicial Member:

Heard Mr. R. Singh, Ld. Counsel appearing for the applicant and Mr. S.K. Mandal along with Mr. S.C. Misra, Ld. Counsel appearing for the departmental respondents.

2. This O.A. has been filed by the applicant, who is at present working as Primary School Teacher in Government Secondary School, Diary Farm, Port Blair, under Section 19 of the Administrative Tribunal Act, 1985 challenging the inaction on the part of the respondents by not considering his case for grant of financial upgradation in terms of MACP Scheme despite the fact that no disciplinary proceedings is pending against him and inaction on the part of the respondent authorities by not considering his representation dated 5.2.2016.

Through this O.A., the applicant has sought for the following reliefs:-

"A) An order be passed directing the respondent No. 4 to consider and grant the 2<sup>nd</sup> and 3<sup>rd</sup> financial upgradation under MACP Scheme to the applicant as granted in the case of those who were appointed along with her.

B) An order be passed directing the respondent No. 4 to release all consequential arrears of pay and allowances arising on account of grant of financial upgradation under MACP Scheme.

C) An Order be passed directing the respondent No. 4 to pay interest at the rate 18% per annum on the consequential arrears of pay and allowances payable on account of grant of financial upgradation in terms of prayer (A) hereinabove.

D) Any such order or orders be passed and or direction or directions be given as this Hon'ble Tribunal may deem fit and proper.

E) Cost and incidentals to this application."

3. As per the Ld. Counsel appearing for the applicant, the sum and substance of the dispute are that the applicant was appointed to the post of Primary School

Teacher vide order dated 12.8.1980 and thereafter he was awarded senior scale of Rs. 1400-2600/- w.e.f. 14.8.1992 vide order dated 9.6.1993. His pay was revised and fixed in the revised scale of pay of Rs. 5000-150-8000/- w.e.f. 1.1.1996 and further revised w.e.f. 1.1.2006. Thereafter he was served with a memorandum of charge being No. 4-2895/Estt./Edn./2030 dated 25.5.2007 and disciplinary proceeding was initiated against him. During pendency of the disciplinary proceeding, the respondent authorities considered the cases of all those who were appointed along with him and granted them financial upgradation under MACP Scheme vide order dated 30.8.2012. When the respondents did not take any steps in pursuance to the said memorandum of charge, he filed an Original Application before this Tribunal being O.A. No. 351/00143/2014 and this Tribunal was pleased to allow the O.A. by quashing the memorandum of charge and other related proceedings. Thereafter he preferred a representation dated 5.10.2016 requesting the respondents to grant him the benefits of financial upgradation and also consequential benefits, which is still pending consideration.

4. Mr. R.Singh, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 4 to dispose of the representation dated 5.10.2016 within a specific time frame.

6. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 4 (i.e. the Secretary-cum-Director (Education), A&N Administration, Port Blair) that if any such representation have been preferred on 5.10.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious



steps may be taken within a further period of two months from the date of such consideration to extend those benefits to the applicant.

7. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. R. Singh undertakes to deposit necessary cost in the Registry by Friday.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(Minnie Mathew)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

SP