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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Original Application No. 350/04²⁹ of 2017

1. Sri Dwipendra Lal Bandyopadhyay, son of Dwijendra Lal Bandyopadhyay, aged about 66 years, retired as Scientific Officer F from VECC, Computer Code No. 801/174, residing at Sourav Abasan, Flat No. B-5, CL-1 and 2, Sector II, Bidhannagar, Kolkata-700064.
2. Sri Subrata Dasgupta, son of Priyabandhu Dasgupta, aged about 69 years, retired as SO/CH from VECC, Computer Code No. 801/36, residing at 5A, Saffron Tower II, Sunrise Point, Action Area 2C, New Town, Kolkata-700157.
3. Dr. Jadunath Dey, son of Dr. Gobardhan De, aged about 76 years, retired as Scientific Officer from VECC, Computer Code No. 801/130, residing at BH-135, Sector II, Salt Lake, Kolkata-700091.
4. Ms. Maitreyee Chatterjee, widow of Late Tapan Kumar Chattopadhyay, aged about 61 years, her husband retired as Scientific Officer/DE from VECC,

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Computer Code No. 801/107B, residing at A.6/14, Baitalik Co-Operative Housing Society Limited, Baghajatin (E.M. Bypass) Kolkata-700094.

5. Mohammad Eqbal, son of Sayed Shamsad Aiu, aged about 69 years, retired as Scientific Officer from VECC, Kolkata, Computer Code No. 801/188, residing at FD 454/11, Sector III, Salt Lake City, Kolkata-700106.
6. Sri Mrinal Kanti Majumdar, son of Late Jogesh Chandra Majumdar, aged about 77 years, retired as Scientific Officer/D from VECC, Computer Code No. 801/157, Prent: R-901/157, residing at 57/2V/1, N S C Bose Road, regent Park, Kolkata-700046.
7. Sri Pawan Kumar Khemka, son of Late Purusottamdas Khemka, aged about 72 years, retired as Scientific Officer/G from VECC, Computer Code No. 800/008, residing at Flat 38, Navajeevan Building, 54/1A, Hazra Road, Kolkata-700019.
8. Sri Biplab Kumar Khasnabis, son of Late Kamakhya Charan Khasnabis, aged about

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66 years, retired as Scientific Officer/D from BARC, Kolkata, Computer Code No. 801/204, residing at Quack Co-Operative Housing Society Ltd, DA-45, New Town, Action Area-1, Street No. 274, Kolkata-700156.

9. Sri Nitai Kumar Mukhopadhyay, son of Late Bhupendra Narayan Mukhopadhyay, aged about 70 years, retired as Scientific Officer/G from ~~V.E.C.C.~~ ~~D.E.~~ Computer Code No. 801/007, residing at AK-5, Bidhannagar, Kolkata-700091.
10. Shri Arun Kumar Sinha, son of Satya Prasanna Sinha, aged about 77 years, retired Scientific Officer ~~DE~~ from VECC, Computer Code No. 801/200 residing at Sangam Residential Complex, 123, Sarat Chatterjee Road, E-9, Lake Town, Kolkata-700089.
11. Shri Gopesh Chandra Chaki, son of Shri Gouranga Chaki, aged about 70 years, retired Scientific Officer ~~E~~ from VECC, Computer Code No. 802/112, residing at C-3, Sangam Residential Complex, 123,

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Sarat Chatterjee Road, E-9, Lake Town,
Kolkata-700089.

12. Ajoy Kumar Mukherjee, son of late
Sailendra Kumar Mukherjee, aged about
69 years, retired Scientific Officer F
from VECC, Computer Code No. 80/158,
residing at 31/C-11, Hari Nath De Road,
Kolkata-700009.

13. Narayan Chandra Samanta, son of
Panchanan Samanta, aged about 67 years,
retired Scientific Officer H from VECC
Computer Code No. 801/149 residing at
Kamal Apartment, Flat No. B-2, BD 203,
Kamal Park, Rabindra Pally, P.O. Prafulla
Kanan, Kolkata-700101.

14. Indira Chakraborty, daughter of
Durgadas Bagchi, aged about 73 Years,
retired as Scientific Officer E from
VECC, Computer Code No. 80/144,
residing at BF-234, Sector-I, Salt Lake,
Kolkata-700064.

15. Tapan Kr. Chakraborty, son of Anitya
Kumar Chakraborty, aged about 73 years,
retired as Scientific Officer D from
VECC, Computer Code No. 80/070,

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residing at BF-234, Sector-I, Salt Lake,
Kolkata-700064.

16. Subimal Kumar Mukherjee, son of Late Goloke Nath Mukherjee, aged about 72 years, retired as Scientific Officer E from VECC, Computer Code No. 80/126, residing at Flat No. 1B, 412, Dum Dum Park, Kolkata-700055.
17. Sri Shyamal Kumar Bose, son of Nalin Bihari Bose, aged about 71 years, retired as Scientific Officer E from VECC, Computer Code No. 80/362, residing at 3B, Narayani Apartment, 105, Banerjee Para Road, Kolkata-700041.
18. Chittaranjan Haldar, son of Late Netai Chandra Haldar, aged about 74 years, retired as Scientific Officer G from Directorate of Construction, Services and Estate Management, (DCSEM) DAE, Computer Code No. 201/137, residing at E9/5, Karunamoyee Housing Estate, Salt Lake, Kolkata-700091.
19. Sri Tapas Kumar Ray, son of Late Ajit Kumar Ray, aged about 76 years, retired as Scientific Officer E from DCSEM,

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Computer Code No. 201/138, residing at
FD-454/5, Sector III, Salt Lake,
Kolkata-700106.

20. Sri Samir Kumar Basu, son of Late Suresh Chandra Basu, aged about 76 years, retired as Scientific Officer E from DCSEM, Computer Code No. 201/141, residing at Joydeep 104/D, Garia Gardens, Kolkata-700084.
21. Dr. Shankar Kumar Saha, son of Late Gour Chandra Saha, aged about 70 years, retired as Scientific Officer H from Bhabha Atomic Research Centre, Computer Code No. G/801/150, residing at Flat No. 87, Cluster 8, Purbachal, Salt Lake, Kolkata-700097.
22. Smt. Arati Debnath, wife of Late Nepal Chandra Debnath, aged about 72 years, her husband retired as Scientific Officer (E) from DCSEM, Computer Code No. 201/162, residing at Vill. & P.O. Ganganagar, North 24 Parganas, Kolkata-700032.
23. Shri Sunil Kumar Guha, son of Late Ramesh Chandra Guha, aged about 80



years, retired as SO/F from Bhabha Atomic Research Centre, Computer Code No. R/801005A, residing at 163/1 Shyamnagar Road, South Dum Dum, Kolkata-700055.

24. Sri Nihar Ranjan Biswas, son of Late Dasharath Biswas, aged about 78 years, retired as SO/E from DCSEM, DAE, Computer Code No. 201/175 residing at 942/2, Jessore Road, Kolkata-700074.
25. Sri Ram Singh, son of Late Charanji Singh, aged about 72 years, retired as SO/E from, DCSEM, Computer Code No. 201/150, residing at F43/6, Karunamoyee Housing Estate, Sector II, Salt Lake, Kolkata-700091.
26. Sri Sudhindra Nath Mitra, son of Late Lalit Mohan Mitra, aged about 73 years, retired as Scientific Officer D, Computer Code No. 801/221, residing at 23, Jatin Das Road, Ichapur Nawabganj, Dist. North 24 Parganas, Pin-743144.
27. Sankar Bhattacharya, son of Late Jaydeb Bhattacharya, aged about 67 years, retired as OS/F, Computer Code No.

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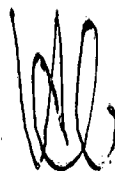
801/102, residing at FD 454, Flat No. 1,
Sector III, Salt Lake, Kolkata-700106.

28. Dr. Gourango Sundar Taki, son of Kanai
Lal Taki, aged about 64 years, retired as
SO/H, Computer Code No. CC 801/166,
residing at 24/8, Mahendra Bhattacharya
Road, Howrah-711104.

29. Sri Ajoy Sankar Banerjee, son of
Barindra Kumar Banerjee, aged about 65
years, retired as SO/E, Computer Code
No. 801/165, residing at DA Co. Op.
Housing Society Road, Block 'A', 2ndf
Floor, -110, Raja S.C. Mullick Road,
Kolkata-700047.

30. Sri Kailas Prasad Basu, son of Nirode
Baran Basu, aged about 72 years, retired
as SO/D, Computer Code No. 801/262,
residing at A-3/30, Purbachal Colony Main
Road, Halisahar, P.O. Nabanagar, Dist.
North 24 Parganas.

31. Sri Sankar Kumar Ray, son of Shiba
Prasad Ray, aged about 70 years, retired
as Scientific Officer E from VECC,
Computer Code No. 801/172, residing at



F-3, Jaysree Park, Behala, Kolkata-700034.

32. Sri Manoj Kumar Mukherjee, son of Kamala Kanta Mukherjee, aged about 69 years, retired as SO/E from VECC, Computer Code No. 801/128 residing at J-384, B-2, B.P. Township, Kolkata-700094.
33. Sri Ranadhir Dey, son of Late Khitish Chandra Dey, aged about 64 years, retired as ~~OS~~ from VECC, Computer Code No. 801/045, residing at E2/2, Karunamoyee, Sector II, Salt Lake, Kolkata-700091.
34. Dilip Sankar Bhattacharya, aged about 70 years, retired as SO/G from VECC, Computer Code No. R 801/009A, residing at Ruph... Complex, T-3, Flat 103, New Town, Rajarhat, Kolkata-700156.
35. Shri Mihir Ranjan Dutta Majumdar, aged about 66 years, retired as SO(E) from VECC, Computer Code No. 801/197 residing at 1602 Ambalika 3rd Floor, Madurdah, Kolkata-700107.

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36. Sri Kalprup Ghosh, son of Birecndra Nath Ghosh, aged about 66 years, retired as SO/E from VECC, Computer Code No. 801/379, residing at C-53, Jaysri Park, Behala, Kolkata-700034.
37. Sri Tapan Jyoti Sen, son of Late Satish Ranjan Sen, aged about 69 years, retired as SO(E) From VECC, Computer Code No. R-801041, residing at 11/5, WIB(R) PL 4A, Golf Green, Kolkata-700095.
38. Kesava Panicker Ramachandran Nair, son of N. Kesava Panicker, aged about 67 years, retired as SO/E from VECC, Computer Code No. 801/159, residing at 6B, Krishna Arcade, Krishnapur, Kolkata-700102.
39. Sri Ranendra Mohan Nath, son of Jatindra Mohan Nath, aged about 73 years, retired as SO/E from VECC, Computer Code No. 801/161, residing at 71, Biren Roy Road, West (71), P.O. Sarsoona, Kolkata-700061.
40. Sri Ramesh Chandra Senapati, son of Late Satish Chandra Senapati, aged about 69 years, retired as SO/F from VECC,



Computer Code No. 801/183, residing at B.4/56, Kendriya Vihar VIP Road, Mondalganthi, Kolkata-700052.

41. Sri Sankar Kumar Mitra, son of Late Santosh Kumar Mitra, aged about 67 years, retired as Scientific Officer H from VECC, Computer Code No. 801/034, residing at Plot No. 119, Kalindi Housing Estate, Lake Town, Kolkata-700089.
42. Shri Dulal Guha, son of Late Satyalal Guha, aged about 70 years, retired as Scientific Officer E from VECC, Computer Code No. 801/228, residing at P-7, Bansdroni Park, Kolkata-700070.
43. Sri Gopal Chandra Basak, son of Srishlal Basak, aged about 66 years, retired as Scientific Officer E from VECC, Computer Code No. 801/181, residing at AG-130, Rabindra Palli, Talbagan, Hanapara, Kestopur, Kolkata-700101.
44. Sri Chaturanan Mallik, son of Late Chandra Kanta Mallik, aged about 66 years, retired as Scientific Officer H from VECC, Computer Code No. 801/093, residing at Flat - 1A, Tower 5, Rosedale

Garden, action Area-3, New Town,
Rajarhat, Kolkata-700160.

45. Shri Bhabani Prasad Mukherjee, son of
Late Nil Ratan Mukherjee, aged about 73
years, retired as Scientific Officer D
from VECC, Computer Code No. R801/167,
residing at F-33/4, Karunamoyee ED
Block, Bidhan Nagar, Kolkata-700091.

46. Sri Krishna Gopal Biswas, son of Gour Hari
Biswas, aged about 76 years, retired as
Scientific Officer F from VECC,
Computer Code No. 801/103, residing at
DD 206, Premises No. 04/293, New Town,
Action Area 1-D, Kolkata-700156.

47. Sri Debaprosad Hajra, son of Late
Monomohan Hajra, aged about 67 years,
retired as Scientific Officer ~~G~~ from
VECC, Computer Code No. 801-124,
residing at Anuprabha Co. Op. Society,
Flat - 2B, Plot AL/1/C/13, AA-1, New
Town, Kolkata-700156.

48. Srimanta Kumar Pattanayak, son of Late
Sadhu Charan Pattanayak, aged about 63
years, retired as Scientific Officer (E)
from VECC, Computer Code No. RO

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01/216, residing at Plot No. AA 32, Block A, Flat No. 4E, Mahendra Enclave, Prafulla Kanan, Kolkata-700101.

49. Suraj Deo Tiwary, son of Late Bachalal Tiwari, aged about 73 years, retired as Scientific Officer F from VECC, Computer Code No. 801/038, residing at AH-12, Salt Lake City, Sector-II, Kolkata-700091.

50. Sri Sunil Kumar Das, son of Late Ashutosh Das, aged about 71 years, retired as Scientific Officer H from VECC, Computer Code No. 801/012, residing at B-8, Digantika, Salt Lake, AH Block, Kolkata-700091.

51. Sri Bhudeb Mukhopadhyay, son of Bamdeb Mukhopadhyay, aged about 67 years, retired as Scientific Officer E₁ Computer Code No. 801/035, residing at B-9, Digantika II/AH, Salt Lake, Kolkata-700091.

52. Ms. Chaitali Bhattacharya, wife of Narayan Chandra Bhattacharya, aged about 65 years, her husband retired as Scientific Officer E₁ from VECC,

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Computer Code No. 801/016, residing at
HB 281, Sector III, Salt Lake, Kolkata-
700106.

53. Probal Gangopadhyay, son of Late Dinesh
Ranjan Ganguly, aged about 64 years,
retired as Scientific Officer F from
VECC, Computer Code No. R 801/178,
residing at Flat - 2/2J, Club Town
Enclave, 20, Chinar Park, Kolkata-700157.

54. Sri Prasanta Kumar Mukhopadhyay, son of
Late Gopinath Mukhopadhyay, aged about
74 years, retired as Scientific Officer E
from VECC, Computer Code No. 801/156,
residing at Dr. S.P. Ghosh Road, Surpara,
Bagbazar, Chandannagar, Pin-712136.

Applicant

- Versus -

1. Union of India, represented by its
Secretary, Ministry of Atomic Energy,
New Delhi-110001.
2. The Chairman, Atomic Energy
Commission and Secretary, Department
of Atomic Energy, Anusakti Bhawan,
Chattrapati Shivaji Marg, Mumbai-
400001.

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3. Director, Variable Energy Cyclotron
Centre, 1/A F, Bidhan Nagar, Kolkata-
700064.
4. Director, Construction, Services, Estate
Management, Vikram Sarabhai Bhavan,
Anusakti Nagar, Mumbai-400094.
5. Director, Bhaba Atomic Research
Center, Trombey, Mumbai-400085.
6. The Secretary, Ministry of Personnel,
Public Grievances & Pension, Department
of Personnel & Training, Central
Secretariat, New Delhi-110001.

..... Respondents

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No. O.A. 350/00429/2017
M.A. 350/00259/2017
M.A. 350/00563/2017

Date of order: 18.9.2017

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

For the Applicant : Mr. S.K. Das, Counsel

For the Respondents : Mr. T.K. Chatterjee, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. S.K. Das, Ld. Counsel for the applicant and Mr. T.K. Chatterjee, Ld. Counsel for the official respondents.

2. This OA has been filed by Mr. Dwipendra Lal Bandyopadhyay and 53 others challenging non-granting of two additional increments treating as "Pay" for payment of DA, HRA, Pension and Pensionary benefits as per O.M. No. 1/2/99-SCS/113 dated 3.2.199 issued by the respondents and also non-consideration of representations dated 2.3.2016 and 22.4.2016.

This O.A. has been filed praying for the following reliefs:

- "a) An order granting leave to the applicants under Rule 4(5) (a) of the Central Administrative Tribunals (Procedure) Rules, 1987 to move this application jointly.
- b) An order holding the action of the Respondent authorities in not treating the two Additional Increments sanctioned by the President vide Office Memorandum dated 03.02.1999 as 'Pay' for the purposes of Dearness Allowances, House Rent Allowances, terminal benefits including Pension as arbitrary, illegal, unjust and therefore, violative of Articles 14 and 16 of the Constitution of India.
- c) An order directing the respondents to treat the two Additional Increments sanctioned vide Office Memorandum dated 03.02.1999 for all the purposes and compute and release the arrears of the Dearness Allowances, House Rent Allowances and pension and amount due to the applicants towards upward revision of terminal Benefits including interest thereon.
- d) An order declaring that the applicants are entitled to exemplary costs for having thrust their unwarranted litigation on them.
- e) Any other order or further orders as to this Hon'ble Tribunal may seem fit and proper."

3: The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicants

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are that the applicant Nos. 1 to 3, 5 to 21, 23 to 51, 53 and 54 and husband of applicant Nos. 4, 22 and 52 were appointed as Scientific Officers/Engineers on different dates through selection process conducted for the purpose and all of them held the Grades of Scientists/Engineers 'D', Scientist / Engineers 'E', Scientist / Engineers 'F' and Scientists/ Engineers 'G'. The husband of applicant Nos. 4, 22 and 52 and all other applicants have retired from service and they are family pensioners respectively. The Govt. Of India, Department of Atomic Energy issued an O.M. No. 1/2/99-SCS/113 dated 3.2.1999 providing incentives to the Scientists/Engineers keeping in view the role played by them in the development of high technology and systems for strategic applications. They were granted two additional increments in their respective pay scales w.e.f 1.1.96 after their normal pay fixation. As per the said O.M. dated 4.6.1999 it was clarified that the two additional increments are to be treated separately and not to be merged with the basic pay fixed under normal rules. Subsequently vide memo dated 29.10.2001 it was clarified that additional increments up to the level of Rs. 16400-20400/- are to be termed as a separate element and therefore, it may not be possible to agree to these increments being counted as 'Pay' for all purposes. Aggrieved by this order the applicants preferred representations dated 15.1.2016 followed by another representation dated 2.3.2016 and 22.4.2016 and also relevant orders passed by various Tribunals, which are still pending consideration.

4. Mr. Das, Ld. Counsel for the applicants 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. 2 to dispose of the representation dated 15.1.2016 followed by representations dated 2.3.2016 and 22.4.2015 respectively within a specific time frame.



5. Therefore, we dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicants have been preferred on 15.1.2016 followed by 2.3.2016 and 22.4.2016 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicants grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicants. However, if in the meantime the said representations stated to have been preferred on 15.1.2016, 2.3.2016 and 22.4.2016 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of. Accordingly, both the M.A.s are also disposed of.

8. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

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(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

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