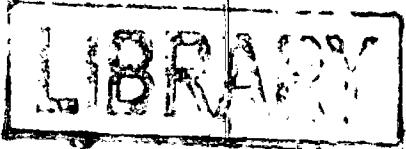


**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/29/2017

Date of order : 5.5.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative member



ANINDYA SENGUPTA

S/o Anjan Kumar Sengupta,
Working as Asst. Accounts Officer,
(Officiating), in the office of the
Controller of Communication Accounts,
Dept. of Telecommunications,
West Bengal Circle,
2nd & 3rd Floor,
8 Esplanade East,
Kolkata - 700069,
R/o BF 109, Rabindrapally,
Kestopur, Kolkata - 700101.

...APPLICANTS

VERSUS

1. Union of India, through
Secretary to Govt. of India,
Ministry of Communications & IT,
Dept. of Telecommunications,
Sanchar Bhawan,
20 Ashoke Road,
New Delhi - 110001.
2. The Secretary
Dept. of Personnel & Training,
North Block
New Delhi - 110001.
3. The Secretary,
Ministry of finance,
Dept. of Expenditure,
North Block
New Delhi - 110001.
4. The Director (SEA),
Dept. of Telecommunications,
Sanchar Bhawan,
20 Ashoke Road,
New Delhi - 110001.
5. Controller of Communication Accounts,
Govt. of India,
Dept. of Telecommunications,
West Bengal Circle,
2nd & 3rd Floor,
8 Esplanade East,
Kolkata - 700069.

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6. Joint Controller of Communication
 Accounts (Administration),
 Office of the Controller of
 Communication Accounts,
 West Bengal Circle,
 2nd & 3rd Floor,
 8 Esplanade East,
 Kolkata - 700069.

RESPONDENTS.

For the applicants: Mr.S.K.Dutta, counsel

For the respondents: Mr.R.Haldar, counsel

O R D E R (ORAL)

A.K.Patnaik, J.M.

Heard Mr.S.K.Dutta, Id. Counsel appearing for the applicants and Mr.R.Haldar, Id. Counsel appearing for the departmental respondents.

2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order holding that reduction of Grade Pay w.e.f. 2.5.2011 as made by order dated 14.1.2016 is bad in law and arbitrary.
- b) An order holding that the recovery from the pay of the applicant is bad in law, arbitrary and cannot be sustained and consequently the applicant is entitled to refund of the same with interest;
- c) An order quashing and/or setting aside the impugned order dated 14.1.2016 and directing the respondents/authorities concerned to restore the Grade Pay of Rs.4600/- of the applicant in PB-2 w.e.f. 2.5.2011 and to extend all consequential benefits thereof;
- d) An order directing the respondents to grant first MACP benefits to the applicant w.e.f. 20.11.2014 in the Grade Pay of RS.4800/- in PB-2 instead of Rs.4600/- in PB-2 as granted by order dated 8.12.2016 and further directing them to grant all consequential monetary benefits to the applicant;
- e) An order directing the respondents to produce/cause production of all relevant records;
- f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper;

4. As per the Id. Counsel for the applicants the sum and substance of the OA is that the applicant being duly eligible applied for absorption to the post of Sr. Accountant in Dept. of Telecommunications and at the time of application the applicant was in the Grace Pay of Rs.4200/- in PB-2 but before absorption

W.M.

the Grade Pay of the applicant in the parent/erstwhile department was upgraded to Rs.4600/- in PB-2 and accordingly, the applicant was granted the protection of the said Grade Pay as personal to him and accordingly, inspite of having lien for two years in UPSC the applicant chose to remain in the Dept. of Telecommunications. But all on a sudden by impugned order dated 14.1.16 his Grade Pay has been reduced w.e.f. 2.5.11 and consequently, a recovery has been started from his salary from the month of January, 2016 and he has been granted first MACP in the Grade Pay of Rs.4600/- in PB-2 instead of Rs.4800/- in PB-2 and although the applicant made representations to the authority concerned till date the applicant is suffering deduction from his pay every month. Hence the applicant has approached this Tribunal in the instant OA.

5. Mr.Dutta submitted that the grievance of the applicant will be more or less redressed if the respondents are directed to consider and disposed of the representation dated 23.12.16 stated to have been preferred by the applicant addressed to respondent No.5 within a specific time frame.

6. We do not think it will be prejudicial to either sides if this OA is disposed of at the admission stage itself by directing the respondent No.5 to consider the representation dated 23.12.16 stated to have been preferred by the applicant as per rules and regulations in force and communicate the result thereof to the applicants by way of a well reasoned order, within one month from the date of such consideration.

7. Therefore without entering into the merit of the case we dispose of the instant OA at the admission stage itself with a direction to the respondent No.5 to consider the representation dated 23.12.16 stated to have been preferred by the applicant as per rules and regulations and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within one month from the date of receipt of this order.

8. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation stated to have been preferred by the applicant, are kept open for the said respondent No.5 to



consider the same as per the rules and regulations in force, still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to redress his grievance.

9. With the above observation and direction the OA is disposed of. No costs.

10. As prayed for by Mr.Dutta, a copy of this order along with the paper book of this OA be transmitted to respondent No.5 by Speed Post for which he will deposit the cost with the Registry within a period of one week.



(JAYA DAS GUPTA)
MEMBER (A)



(A.K.PATNAIK)
MEMBER (J)

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