



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No/350/O 490

Of 2018

Akhter Hossain son of Late Md. Hanif
aged about 54 years presently posted as
Highly Skilled Gr. I (Welder) at P.S.
Section P. No. 2048 at Ordnance Factory,
Dum Dum, Kolkata - 700028 and residing
at 26/20, Cossipur Road, P.O. & P.S.
Cossipore, Kolkata - 700002.

... Applicant

- Versus -

- 1) Union of India, service through the
Secretary, Ministry of Defence,
Department of Defence Production, South
Block, New Delhi - 110001.
- 2) Ordnance Factory Board service through
the Chairman, Ordnance Factory Board,

Wd



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Sahid Khudiram Bose Sarani, Kolkata -

700001.

3) The General Manager, Ordnance Factory,

Dum Dum, Jessore Road, Kolkata -

700028.

... Respondents

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No. O.A. 350/00490/2018

Date of order: 16.4.2018

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

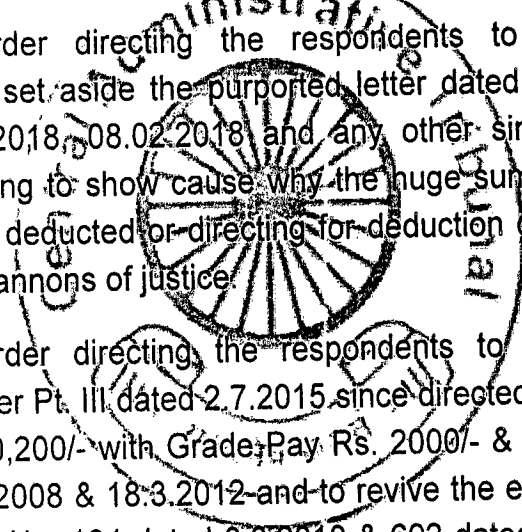
For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

ORDER (Oral)**A.K. Pattnaik, Judicial Member:**

Heard Mr. J.R. Das, Ld. Counsel for the applicant and Mr. B.B. Chatterjee, Ld. Counsel for the official respondents.

2. This OA has been filed under Section 19 of the Administrative Tribunal Act, 1985 praying for the following reliefs:

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- "i) An order directing the respondents to cancel, rescind, withdraw or set aside the purported letter dated 17.4.2015, letters dated 19.1.2018, 08.02.2018 and any other similar letters/orders either directing to show cause why the huge sum of Rs. 1,30,086/- shall not be deducted or directing for deduction of the said amount against all canons of justice.
 - ii) An order directing the respondents to amend/cancel the Factory Order Pt. III dated 2.7.2015 since directed effecting the PB-1 Rs. 5200-20,200/- with Grade Pay Rs. 2000/- & 2400/- from a later date of 1.9.2008 & 18.3.2012 and to revive the earlier Factory order Pt. III being No. 184 dated 3.3.2010 & 692 dated 22.12.2010 in the interest of justice.
 - iii) An order directing the respondent authority to allowed the applicant to regularize his MACP II & III since 12.1.1999 & 12.1.2009 on immediate basis and further directing the respondents not to effect the purported recovery/deduction without any basis in the eye of law;
 - iv) An order directing the respondents to place all the relevant records before the Hon'ble Bench with copy to the Ld. Advocate for the applicant for conscionable justice.
 - v) Any other order/orders, further order/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 applicant are that the applicant was appointed as a Messenger Boy in NIE on



12.1.1979. Thereafter he was transferred to IE. At present he is working as HS-I (Welder) at PS. On 12.1.1999 and 12.1.2009 he has been allowed with MACP-II & MACP-III respectively. But later on the revised dated of MACP – II and III was effected from 2.7.2015. A memorandum for recovery of an amount of Rs. 1,30,086/- was issued on 24.6.2016. A letter of show-cause was issued to him and subsequently further letter was issued directing recovery of the aforesaid sum. The applicant preferred a representation dated 7.2.2018 (Annexure as Annexure 'A-3' to the O.A., which is still pending consideration.

4. Mr. Das, 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. 3 to dispose of the representation dated 7.2.2018 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 3 that if any such representation as claimed by the applicant has been preferred on 7.2.2018 and the same is still pending consideration, then the same may be considered and disposed of within a period of six 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 applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 3 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 7.2.2018 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.

8. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP

