

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

OA. 350/217/2014

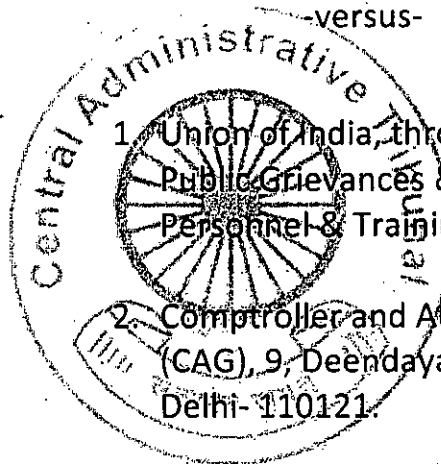
Date of order: 25.02.2019

Present : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Mr. N. Neihisal, Administrative Member

Sri Ram Debabrata Ghosh, son of late Ram Gour Ghosh, aged about 63 years, residing at 17a/1, Hem Chandra Naskar Road, Kolkata-700010, FL. 4 B, retired service Auditor Principal Accountant General (Audit), West Bengal.

.....Applicant.

-versus-



1. Union of India, through Minister of Personal Public Grievances & Pension, Department of Personnel & Training, New Delhi- 110011.

2. Comptroller and Auditor General of India (CAG), 9, Deendayal Upadhyaya Marg, New Delhi- 110121.

3. The Principal Account General, Office of the Principal Accountant General (GSS Audit), West Bengal, Treasury Building, Kolkata-700001.

.....Respondents.

For the Applicant : Mr. T. Das, Counsel

For the Respondents : Mr. B. Debnath, Counsel

ORDER (Oral)

Per Ms. Manjula Das, JM:

Heard ld. counsel for both sides.

2. The applicant has approached this Tribunal seeking the following reliefs:

"8.(a) A declaration that criminal case lodged against the applicant having not been pursued and not serving as an date as also being not connected with the discharge of service of the applicant as senior Auditor the applicant is entitled in law and in equity to be granted arrears of service benefits including MACP, salary and allow a suspension period and commutation pension.

(b) An order do issue directing the respondent to grant the arrear suspension period w.e.f. 13.3.1999 to 16.7.2002.

(c) An order do issue direction the respondents to give benefit under MACP w.e.f. 2008 at per with his juniors.

(d) And to pass such other order/orders and/or direction/directions as your Lordships may thinks fit and proper."

3. Brief facts of the case of the applicant, as submitted by his Counsel, are that he had initially joined the service as Clerk on 14.06.1973. During the course of service, he got several promotions and he retired on 31.01.2010 while working as Senior Auditor, to which post he was promoted on 23.11.1992. The case of the applicant is that one criminal case was lodged against him on 19.03.1999 and, consequently, he was put under suspension. He filed O.A. No. 1927/2013, which was disposed of vide order dt. 12.11.2010 with direction that there being no charge sheet/trial against the applicant in the criminal case and there being no disciplinary case against him, the retiral benefits should be paid to the applicant immediately as per rules and the criminal case will take its own course. The department challenged this order before the Hon'ble High Court in W.P.C.T., which was dismissed. He submitted that MACP was not granted to the applicant only

on the basis of criminal case being Chitput P.S. Case No. 90 under Section 498A/406/34 of IPC. Ld. Counsel for the applicant submitted that the authorities, thereafter, have only granted pension and DCRG to the applicant whereas he is entitled to arrear of pay for suspension period as well as promotion under MACP, as per his juniors, as the said period was regularized. Ld. Counsel for the applicant further submitted that no departmental proceeding was ever initiated against the applicant.

4. In view of the aforesaid, without going into the merit of the case, we direct the applicant to make a comprehensive representation putting forth his grievances before the appropriate/competent authority within a period of one month from the date of receipt of the copy of this order. On receipt of such representation, Respondent authority shall dispose of the same within a period of three months thereafter by giving opportunity to the applicant of being heard and shall pass a reasoned and speaking order.

5. It is made clear that decision so arrived shall be communicated to the applicant forthwith.

6. With the above direction, the O.A. stands dispose of accordingly. No order as to costs.

(N.Neihisial)/
Member (A)

(Manjula Das)
Member (J)

RK/PS