

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O.A. No. 350/919/2017

In the matter of:

Gouranga Chandra Pal, son of Late Rashik

Chandra Pal, aged about 66 years, residing

at 1/30, Arabinda Nagar, Kolkata – 700032

who retired from service on 31.12.2011 to

the post of Accountant-III in the Office of

Multi Disciplinary Training Centre under

Ministry of Micro, Small and Medium

Enterprises, Government of India, Vidyapith

Road, Birati, Kolkata – 700051.

..... Applicant

- Versus -

1. Union of India service through the Secretary

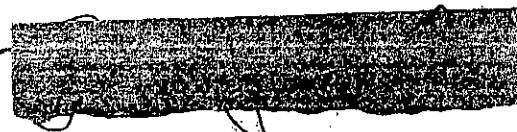
Ministry of Micro, Small & Medium

Enterprises, Government of India, Room

No. 123, Udyog Bhawan, Rafi Marg, New

Delhi – 110011.

WL



OA/350/919/201

2. The Directorate of Administration & HR,

Khadi & Village Industries Commission,

3, Irla Road, Vile Parle (West), Mumbai -

400056.

3. The Director (Marketing), Khadi & Village

Industries Commission, 3, Irla Road, Vile

Parle (West), Mumbai - 400056.

4. The Principal, M.D.T.C., Khadi & Village

Industries Commission (Ministry of

Micro, Small & Medium Enterprises,

Government of India), Multi Disciplinary

Training Centre, Vidyapith Road, Birati

Kolkata - 700051.

..... Respondents

WD

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/919/2017

Date of Order: 28.11.2018

Coram: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant(s): Mr. P.C Das, Counsel

Ms. T. Maity, Counsel

For the Respondent(s): Mr. R.Halder, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicant, and Mr. R.Halder, Ld.

Counsel appearing for the Official Respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

a) To quash and/or set aside the impugned order being No. KVIC/MKT/PE/OCP/MDTC/KOL/2017-18/76 dated issued by the Assistant Director (Marketing) Khadi & Village Industries Commission under Ministry of Micro Small & Medium Enterprises, Government of India which was communicated to the present applicant by the Director, Khadi & Village Industries Commission, Kolkata vide letter dated 31.05.2017 by whch the claim of the applicant has been rejected by not giving benefit of pension as well as the pensionary benefit by violation of the order issued by the Government of India, Ministry of Micro Small & Medium Enterprises vide office memo dated 03.02.2016 and deprived the present applicant by not giving the pensionary benefit under the Old Pension Scheme of KVIC Employees (Pension) Regulations, 1984 those who have retired from service in the year 2011 after rendering 37years unblemished service in the Department being Annexure A-15 of this O.A.

b) To pass an appropriate order directing upon the respondent authority to count the trading service of the present applicant with effect from 1974 to 2009 as qualifying service and to grant the benefit under Old Pension Scheme in terms of the office memo dated 03.02.2016 issued by the Government of India Ministry of Micro Small & Medium as has been granted in favour of other 60 KVIC employees those who are appointed

(Signature)

much after present applicant along with all consequential benefits.

c) To quash and/or set aside the impugned cryptic order without any valid explanation issued by the respondent authority dated 09.07.2012 being Annexure A-7 of this original application.

d) To pass an appropriate order directing upon the respondent authority to grant the benefit in favour of the present applicant under the Old Pension Scheme in terms of the office memo dated 03.02.2016 along with all consequential benefit with effect from when other employees has got the same in terms of the office memo dated 03.02.2016.”

3. This O.A. was filed on 23.06.2017 and, after issuance of notice, reply as well as rejoinder have been filed by the respective parties.

4. Today, at the time, the matter was taken up. Ld. Counsel for the applicant submitted that although the pleadings are complete and the matter is ripe for hearing still then he submitted that applicant will be satisfied, if the matter is disposed of today itself by directing Respondent No.3 to consider the representation preferred by the applicant under Annexure-A/14, along with duly filled in option form, keeping in mind the rules and regulations governing the field (documents under Annexure-A/15).

5. I do not think that it will be prejudicial to either of the sides if such a prayer made by the Ld. Counsel for the applicant is accepted and, accordingly, without directing the Registry to list this matter any further, I dispose of this O.A. by directing Respondent No.3 that if the representation, which has already been annexed under Annexure-A/14, along with option form, is still pending consideration then the same may be considered keeping in mind the standing orders under Annexure-A/15 and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of four weeks from the date of receipt of copy of this order. Although, I have not entered into the merit of the matter still then I hope and trust that if after such consideration applicant's



grievance is found to be genuine and he is found to be entitled for pensionary benefits as per standing orders at Annexure-A/15 then necessary steps be taken within a further period of six weeks to extend the benefit to the applicant keeping in mind the other factors like eligibility and entitlement etc. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No.3 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties. Applicant is also granted liberty to bring this order to the notice of Respondent No.3.

(A.K.Patnaik)
Member(J)

RK/PS