

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, NIZAM PALACE,

KOLKATA -700020

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985

O.A. No. 1787 of 2018

Smt Sunita Arora, wife of Shri Vinod Kumar,

Flat No. 2/A, 106, Rajani Mukherjee

Road, Sahapur, Kolkata - 700038, *Worked as
Asst. Library Information officer, National
Library, Alipur. A.P. 2000-
Applicant*

-Versus-

(i) Union of India, service through the
Under Secretary to the Government of
India, Ministry of Culture, Library
Section, Shastri Bhavan, C-Wing, New
Delhi - 110115.

(ii) The Deputy Secretary,
Government of India, Ministry of
Personnel, Public Grievances &
Pensions, Department of Personnel &
Training, New Delhi - 110115.

VS

(iii) The Director General, National Library, Belvedere Road, Kolkata - 700027.

(iv) The Director General of Audit (Central), Kolkata, Indian Audit & Accounts Department, 8, Kiran Shankar Roy Road, Kolkata - 700001.

(v) The Pay and Accounts Officer, Pay and Accounts Office, Ministry of Culture, 15, R.N. Mukherjee Road, 3rd Floor, Kolkata - 700001.

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/1787/2018

Date of Order: 19.12.2018

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

Sunita Arora- vs- U.O.I. & Ors.

For the Applicant(s): Mr. S. Mitra, Counsel

For the Respondent(s): Mr. B.P. Manna, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties in extenso.

2. Mr. B.P. Manna, Ld. Counsel who usually appears for the National Library, is present in the court and, on my advice, Ld. Counsel for the applicant has served copy of this O.A., along with annexures, on Mr. Manna as I do not want the Official Respondents to go unrepresented. Heard Mr. Manna was in extenso, who has accepted the brief on my request.

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

(a) An Order by directing and/or commanding the respondents to cancel and/or set aside the Office Order No.649 dated 29.11.2017 being Annexure "J" and the Memorandum dated 30.11.2017 being Annexure "K" to this application.

(b) An Order by directing and/or commanding the respondents, particularly, the Under Secretary to the Government of India, Ministry of Culture, Library Section, being the respondent no.1, to consider the representation and/or application made by the applicant by waiving the said overdrawal amount of Rs.18,87,361/-.

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(c) An Order by directing and/or commanding the respondents, particularly the Director General, National Library, Kolkata to revise the scale of pay of the applicant at the rate of Rs.5500-175-9000/- with effect from 1st January,1996 , that is to say, original scale of pay.

(d) An Order by directing and/or commanding the respondents, particularly the Director General, National Library, Kolkata to release the entire pensionary benefits of the applicant along with interest @ Rs.10% per annum from the date next to the retirement till the date of actual payment at the original scale of pay of the applicant;

(e) Such other or further order or orders as to this Hon'ble Tribunal may seem fit and proper.

4. The brief case of the applicant as enumerated by the Ld. Counsel for the applicant is that the applicant has retired from service on superannuation w.e.f 30.11.2017 from National Library, Kolkata. The grievance of the applicant is that without any reason an amount of Rs.18,87,361/- has been recovered from her pensionary benefits. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred representations dated 17.09.2018 under Annexure A/15 to Respondent No.1 but that has not yet been considered. He further submitted that the grievance of the applicant may be redressed, if the Respondent No. 1 is directed to consider his representation within a specific time frame.

5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 1 to consider the representation of the applicant under Annexure A/15, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant's case is found to be genuine and he is otherwise entitled then he may be given the pensionary benefit and recovered amount may be refunded, within a further period of six weeks. 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 at the admission stage. 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. 1,3,4 & 5 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.

(A.K Patnaik)
Member (J)

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