

LIBRARY

BEFORE THE LD. CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA | 350 | 1350 | 18
MA | 350 | 667 | 18

1. Durga Sankar Roy

son of Late Pratul Kumar Roy, aged about 65 years, by occupation retired service holder as Assistant Director, Directorate of Enforcement, residing at BC-180, Samarpally, P.O. Krishnapur, Kolkata 700102

2. Dhirendra Nath Podder

son of Late Rajendra Nath Podder, aged about 64 years, by occupation retired service holder as Deputy Director, Directorate of Enforcement, residing at Sripur, Kiran Babur Bagan, Sodepur Road, Madhyamgram, Kolkata 700130

3. Shamim Parwez

son of Late Zafar Ahmed, aged about 66 years, by occupation retired service holder as Assistant Director, Directorate of Enforcement, residing at 91, Ripon Street, 1st Floor, Block-A, Kolkata 700016

WQ

4. Anup Chattopadhyay

son of Late Monmohan Chattopadhyay,
aged about 67 years, by occupation retired
service holder as Assistant Director,
Directorate of Enforcement, residing at
39/1, Prince Baktiar Shah Road, 3rd Floor,
Tollygunge, Kolkata 700033

..... Applicants

- Versus -

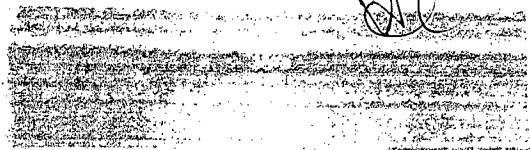
1. The Union of India through the
Secretary to the Government Of India,
Ministry Of Finance, Department Of
Revenue, North Block, New Delhi-
110001

2. The Director

Directorate of Enforcement, 6th Floor,
Lok Nayak Bhavan, Khan Market, New
Delhi-110003

3. The Pay and Accounts Officer,

Pay and Accounts Office, Department of
Revenue, Church Road, Central
Secretariat Hutments, New Delhi-110001.




. 4 .

4. The Special Director,
Directorate of Enforcement, 3rd MSO
Building, DF Block, 6th Floor, Sector-1,
Salt Lake, Kolkata-700064.

5. The Joint Director,
Directorate of Enforcement, Government
of India, 3rd Floor, Nanalal Chambers Opp
Times of India, Ashram Road,
Ahmedabad 380009.

..... Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1350/2018
M.A/350/667/2018

Date of Order: 09.10.2018

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

For the Applicant(s): Mr B. Samanta, Counsel

For the Respondent(s): None

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel appearing for the applicant.

2. M.A.No. 667/2018 filed by the applicants to jointly prosecute this case is allowed and, accordingly, disposed of.

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

"a) Leave be granted to the applicants having a same and similar cause of action as stated in paragraph 4 (aa) hereinabove to join together and file the instant application jointly under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

b) Direction do issue quashing and/or setting aside the impugned corrigendum orders dated 05.09.2011 and 27.12.2011, being Annexure "A-4" hereto, thereby restoring the earlier orders dated 17/11/2009 and 21/01/2010, being Annexure "A-2" hereto, and thereupon directing the respondent authorities to refix the pension of the applicants in accordance therewith and released the same along with repayment of the amounts wrongly recovered together with interest at the rate of 18% per annum on all such arrear accumulations along with all consequential benefits

c) Direction do issue upon the respondent authorities directing them to extend to the applicants the benefit of orders rendered in O.A No 280 of 2012 passed by the Learned Madras Bench of CAT.

d) Direction do issue upon the respondent authorities directing them to produce and/or cause to be produced the entire records of the case and upon such production being made to render conscionable justice by passing necessary orders thereon.

e) Cost and costs incidental hereto.

Wll

f) And/ or to pass such other or further order or orders as to your Lordships may seem fit and proper.”

4. The applicants, had joined as Assistant Enforcement Officers and superannuated as Assistant/Deputy Directors in the Directorate of Enforcement after putting in 34/35 years of service. They were given financial upgradation under ACP on completion of 24 years of service and third financial upgradation under MACP on completion of 30 years of service in GP 6600/-, in PB-3, Pay Scale Rs. 15,600-39,100/-. The grievance of the applicant is that the grant of third MACP was withdrawn by Respondent No.2 on a misinterpretation of clause 8(1) of Annexure 1 of MACP. Ld. Counsel for the applicant submitted that similarly situated persons had challenged withdrawal of 3rd MACP before the CAT Madras Bench and the matter was carried to the Hon'ble Apex Court by the departmental Respondents. The Hon'ble Apex Court dismissed the SLP and, subsequently, the applicants therein were granted 3rd financial upgradation under MACP to the next GP of Rs. 6600/-. Ld. Counsel for the applicants submitted that ventilating their grievance the applicants have preferred a number of representations under Annexure-A/10 but till date no action has been taken by the authorities. The applicant has finally submitted a representation dated 11.03.2018 (Annexure-A/10) before Respondent No.5 referring his previous representations with prayer to grant 3rd financial upgradation under MACP Scheme but nothing has been communicated to him till date.

5. Having heard Ld. Counsel for the parties and considering the fact that the applicant is a senior citizen and awaiting reply will further delay the matter, without going into the merit of the matter, I dispose of this O.A. by directing the Respondent No. 5 to consider the representation of the applicants under Annexure-A/10, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations 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 applicants are found to be otherwise eligible to get the MACP benefit as claimed in their representation then expeditious steps be taken within a further period of six weeks to grant them such benefit. I make it clear that if in the meantime the representations have already been disposed of then 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.

Wd

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 5, 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 applicant.

(A.K.Patnaik)
Member(J)

RK/PS

