

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

O.A.350/00926/2017
M.A.350/00630/2017

Order dated: 27.11.2018

**Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

1. Goutam Kr. Das
2. Tapas Kr. Mitra
3. Tushar Kanti Mondal
4. Ratna Devi Chowdhury
5. Maitri Jairam
6. Ashis Kumar Dasgupta
7. Ashok Taru Mullick
8. Rabin Kumar Das
9. Sujoy Kr. Roy
10. Biswanath Das Bakshi
11. Sambhu Chandra Mahapatra
12. Arun Kumar Maity
13. Prabir Bhattacharjee
14. Biswanath Chanda
15. Jayanta Karmakar
16. Subodh Kr. Ghosh
17. Tarak Sikder
18. Goutam Karmakar
19. Goutam Banerjee
20. Shyamal Kumar Paul

21. Feda Hussain

22. Mrigen Sarkar

23. Biplab Chattopadhyay

24. Sanjib Kundu

25. Goutam Kanjilal

26. Asish Kumar Bagchi

27. Dipak Kumar Dawn

28. Debi Prasad Chatterjee

29. Sankar Kumar Das

30. Manick Chandra Paul

31. Prasanta Kumar Banerjee

32. Goutam Chanda

33. Biswanath Majumde

34. Ajit Chakraborty

35. Bimal Das

36. Bandana Chatterjee

37. Bidit Ranjan Dey

38. Indra Kamal Mukhopadhyay

39. Swapna Mukhopadyay

40. Monohar Kumar Paul

41. Madhab Banerjee

42. Shyamal Sikdar

43. Tarun Kumar Das

44. Goutam Kumar Chatterjee

45. Sajal Kumar Karmakar

46. Deb Prasanna Roy

47. Sanji Kumar Saha

48. Amarendranath Ghosh

49. Mukunda Ghorai

50. Achin Kumar Das

51. Madhusudan Dutta

52. Smt. Ummal Fatema

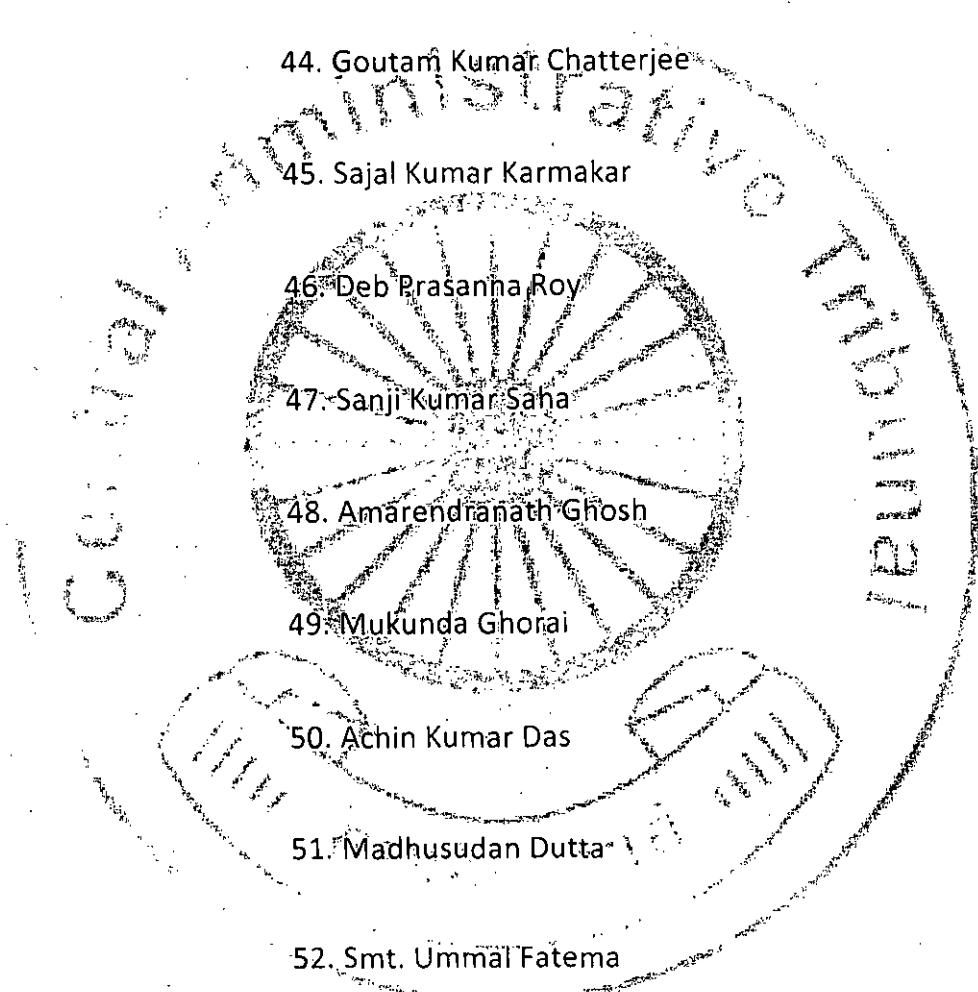
53. Deb Kumar Adhikary

54. Tapas Kumar Dey

55. Bablu Rakshit

56. Tapas Mukherjee

57. Subhas Biswas



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58. Joydeb Shaw

59. Jayanta Kumar Jana

60. Debasis Pati

61. Goutam Basu

62. Swapan Kumar Das (II)

63. Shibnath Bhattacharjee

..... Applicants.

Versus

1. The Union of India
Through the Secretary
To the Govt. of India,
Ministry of Labour & Employment,
Shrama Sadan,
New Delhi - 110 011.
2. Central Provident Fund Commissioner,
Employees' Provident Fund Organization,
Ministry of Labour & Employment,
Head Office, Bhavishya Nidhi Bhawan,
14, Bhikaji Kama Place,
New Delhi - 110 066.
3. Additional Central Provident Fund
Commissioner(HQ),
Employees' Provident Fund Organization,
Ministry of Labour & Employment,
Head Office, Bhavishya Nidhi Bhawan,
14, Bhikaji Kama Place,
New Delhi - 110066.
4. Additional Central Provident Fund
Commission (KZ),
Employees' Provident Fund Organization,
Ministry of Labour & Employment,
DK Block, Sector-II, Karunamayee,
Salt Lake City,
Kolkata - 700 091.

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5. Regional Provident Fund Commissioner,
Regional Office,
Kolkata,
Employees' Provident Fund Organization,
Ministry of Labour & Employment,
DK Block, Sector-II Karunamayee,
Salt Lake City,
Kolkata – 700 091.

..... Respondents.

For the applicant : Mr. S.K. Datta, Counsel

For the respondents : Mr. K. Sarkar, Counsel

ORDER (Oral)

This O.A. has been preferred seeking the following reliefs:

"8.(a) An order holding that the circular dated 5.11.2015 is bad in law and non-est and accordingly, any action on the basis of such circular is also bad in law and untenable.

(b) An order quashing and/or setting aside the impugned order dated 1.6.2017.

(c) An order directing the respondents to restore the benefits of MACP as ordered to be withdrawn pursuant to the circular dated 5.11.2015 and by impugned order dated 1.6.2017.

(d) An order directing the respondents to refund the amount, if any, recovered from the salary of the applicants and/or any other benefits of the applicants.

(e) An order directing the respondents to restore all benefits after restoring the MACP benefits granted to the applicants with all consequential benefits.

(f) An order directing the respondents to produce/cause production of all relevant records.

(g) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. The applicant vide his letter dated 27.11.2018 has requested his Ld.

Counsel as under:

"I along with 62 others filed the above mentioned Original Application before the Hon'ble Central Administrative Tribunal, Kolkata Bench being aggrieved by the Order dated 05.11.2015 whereby our MACP benefits were withdrawn and being aggrieved by the decision of recovery of the benefits extended to us by way of MACP.

That recently as per clarification of Head Office letter dated 31.07.2018 an Order No.T-219 dated 12.11.2018 has been issued whereby we have been again granted the benefits of MACP w.e.f. the dates when we were granted such benefits. A copy of the said Order dated 12.11.2018 is enclosed.

In view of the above I request you to get our case disposed of in the light of the Order dated 12.11.2018 passed by the RPFC, Kolkata and also for extension of all consequential benefits in terms of the said Order."

3. In view of the same, the O.A. is disposed of, with consent of both the parties, with a direction upon the respondents to release the admissible dues and consequential benefits in accordance with law.

4. Accordingly the O.A. stands disposed of. Consequently the M.A. No. 350/00630/2017 which has been filed for vacation/variation of the interim order, stands disposed of.

5. Since the applicants are 62 in number, let individual Court fees be furnished by the applicants to obtain a copy of this order.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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