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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

An Application u/s 19 of the
Administrative Tribunal Act, 1985

O.A. No. 350/1482 OF 2018

In the matter of :

Shri Pronoy Kumar Saha

Son of Late Bibhuti Bhusan Saha

123/1, Feeder Road,

Post Office and Police Station

Belghoria, Kolkata – 700 056.

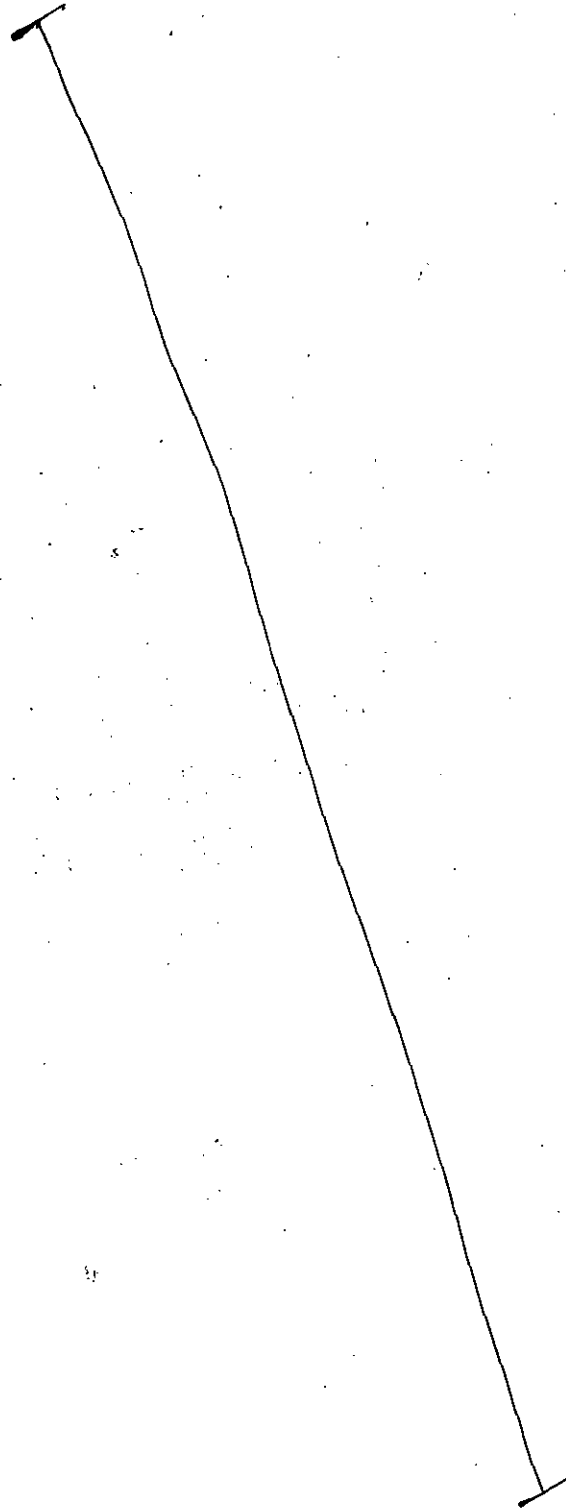
.... Applicant

Versus

1. Union of India, service through the
Secretary, Ministry of Finance,
Department of Revenue, Central
Board of Direct Taxes, North Block,
New Delhi – 110 001.
2. The Principal Chief Commissioner of
Income Tax, West Bengal & Sikkim,
P-7, Chowringhee Square, Aykar
Bhavan, Kolkata – 700 069.
3. The Deputy Controller of Accounts,
Zonal Accounts Office, CBDT,

Kolkata, Bamboo Villa, Annex
Building, 169, A.J.C. Bose Road,
Kolkata - 700 014.

.... Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1482/2018

Date of Order: 15.01.2019

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

Pronoy Kumar Saha Vs. UOI & Ors.

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

For the Respondent(s): None

ORDER (ORAL)

Bidisha Banerjee, Member (J):

The applicant, who has superannuated from service on 31.12.2016, after serving the Respondents for more than 35 years, as he would claim, is aggrieved, as according to him, he has been disallowed the 3rd MACP benefits due to which he has suffered a loss to the tune of Rs. 4 lakhs out of payable retiral benefits. He has, therefore, sought for the following reliefs:

- "i) To pass an order directing the Respondents, their men and agents to take an early step in the matter so that the applicant could get the legitimate benefit so far as pension is concerned as the illegal step of the Respondents caused illegal deduction of retiral dues vis-a-vis pensionary benefit.
- ii) To pass an order directing the Respondents, their men and agents to set aside the anomalies immediately regarding payment of gratuity amount and pensionary benefits of the petitioner.
- iii) To pass an appropriate order so that the amount curtailed in connection with payment of gratuity could be repaid to the applicant and also take action for fixation of actual pensionary benefit of the applicant.
- iv) To pass an appropriate order for granting pension and other retiral dues including gratuity in favour of the applicant along with interest @ 12% per annum.
- v) Any other order or orders as"

2. At hearing, Ld. Counsel for the applicant would draw our attention to an

order dated 31.03.2015, which is a statement of fixation of pay in regard to the applicant, attached to CIT(A)-5, Kolkata on promotion from Stenographer Gr.II to Stenographer, Gr.I on 22.03.2007.

Citing the order, Ld. Counsel would strenuously urge that although 2nd MACP was granted w.e.f. 01.09.2008 in the Pay Band of Rs. 9300-34,800/- with Grade Pay Rs. 4600/-, on a regular promotion to the post of Private Secretary no fixation benefits was allowed further although the chart reflected that on 22.11.2013 he was granted 3rd MACP in the GP of Rs. 4800/- in Pay Band of Rs. 9300-34,800/-, the benefits thereof were not counted towards his pension. Further, the demand of justice preferred to the Principal Chief Commissioner and Deputy Controller of Accounts went unheeded to.

3. None appeared for the Respondents despite notice. Ld. Counsel for the applicant was heard.

4. It transpires from Annexure A/7 dated 26.06.2018 that the letter dated 25.05.2018 of the Ld. Counsel of the applicant was duly replied to by the authorities and the grievance of the applicant was referred to the CBDT for a final decision in the matter but the decision is awaited. Therefore, it is not a case where the prayer of the applicant has been rejected by the authorities rather his grievance seems to be under active consideration of the authorities. As such, this application is premature one since no adverse decision has been taken by the authorities against the applicant.

5. Since the authorities are yet to take a final decision on the grievance of the applicant, we feel it appropriate to dispose of the O.A., in the interest of justice, directing the authorities to obtain a final decision on the grievance projected by the applicant, as expeditiously as possible, preferably within 3 months from the date of

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receipt of a copy of this order granting him such benefit as he would be entitled to in accordance with law.

6. It is, however, made clear that we have not gone into the merits of the matter and, therefore, all points are kept open for the Respondents to consider.

Accordingly, the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

RK/PS

