

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O. A. No. 350/246/2019

LIBRARY

PARTICULARS OF THE APPLICANTS:

1. Sunil Kumar Banerjee, son of Late Ram Sankar Banerjee, aged about 62 years, residing at 226. A.C.C. Road, Jungipara Tematha, P.O. - Chandannagar, Pin 712 136
2. Rajarshi Kumar Das, son of late Bholanath Das, aged about 62 years, residing at 91, G. T. Road, (Nursery Road), P.O. Baidyabati, District - Hooghly, Pin 712 222
3. Prabir Kumar Das, son of Santosh Kumar Das, aged about 61 years, residing at Salbagan Government Colony, P.O. Noapara, Barasat, Pin 700125,
4. Shila Bose, daughter of late Phanibhusan Deb das, aged about 61 years, residing at 64/3, Vidyasagar Sarani, Kolkata 700 008
5. Ashis Kumar Ghosh, son of late Adhir Kumar Gosh, aged about 61 years, residing at 72/1, S. B. Roy Chowdhury Road, Belgharia, Kolkata 700 083
6. Chinmoy Chowdhury, son of Rajendra Chowdhury, aged about 62 years, residing at 319/59, Santasree Pally, Fringe Road, P.O. + P.S. - Barrackpore, Kolkata 700120
7. Manjusri Das, daughter of late Anil Chandra Pal, aged about 61 years, residing at 7A, Ramkrishna Bagchi Lane, Kolkata 700 006
8. Deb Sankar Ghosh, son of late Abani Sankar Ghosh, aged about 61 years, residing at 331/4, Ramakrishna Road, New Barrackpore, Pin 700131
9. Harendra Nath Baidya, son of Late Laxman Baidya, aged about 61 years, residing Keota, Sanat Park, Post Office Sahagunj, District - Hooghly, Pin 712104.

10. Sipra Maity, daughter of late Sukumar Das, aged about 63 years, residing at 7, North Nowdapara, Ariadaha, Kolkata 700 057.
11. Ranjit Kumar Debnath, son of late Rashmohan Debnath, aged about 62 years, residing at 16 Santinagar Sarani, D.S. Lane, Howrah 711109
12. Tarun Kanti Ghosh, son of late Nilkamal Ghosh, aged about 61 years, residing at Village Purbachal, Post Office - Kora Chandigarh, Madhyagram, Kolkata 700 130
13. Tapati Chakraborty, daughter of late Sailendranath Banerjee, residing at D-1/10, Karunamoyee Housing Estate, Salt Lake, Kolkata 700 091
14. Dilip Kumar Das, son of late Lakshmi Kanta Das, A/43, Niranjana Pally, Post Office - Basdroni, Kolkata 700 070.

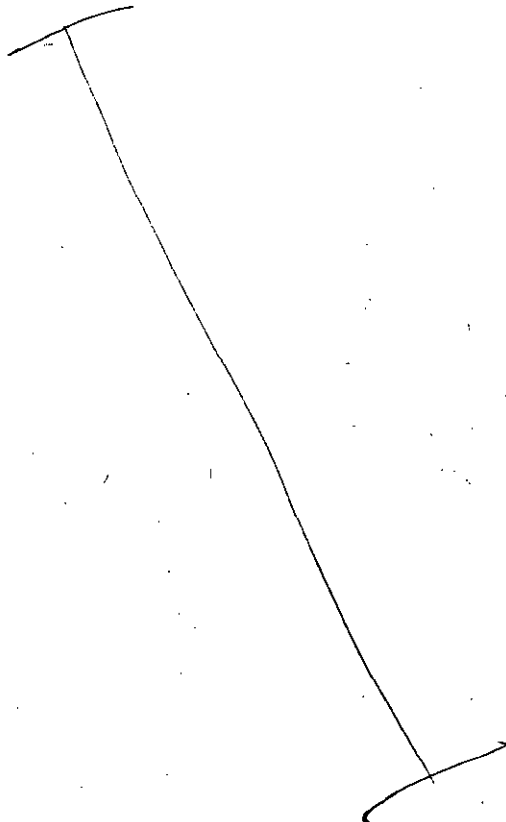
..... APPLICANTS

V E R S U S

- i) Union of India, through the Secretary, Dept. of Expenditure Ministry of Finance, Government of India, North Block, New Delhi 110001
- ii) Principal Chief Controller of Accounts, CBDT, 9th floor, Lok Nayak Bhawan, Khan Market, New Delhi 110003

- iii) Dy. Controller of Accounts, ZAO CBDT, Kolkata, Bamboo Villa (Annex) 169, A.J.C. Bose Road, Kolkata 700 014
- iv) The Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi 110001
- v) The Chairman, CBDT, North Block, New Delhi 110001
- vi) The Principal Chief Commissioner of Income Tax, West Bengal & Sikkim, P-7, Chowringhee Square, Kolkata 700069

... .. RESPONDENTS



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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/246/2019
MA 139/2019

Date of Order: 10.04.2019

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

Sunil Kr Banerjee & Ors. Vs. UOI & Ors.

For the Applicant(s): Mr. A.Chakraborty, Counsel

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

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsel for both parties.

2. The applicant has filed this O.A. seeking the following relief:

"a) An order do issue directing the respondents to restore the benefit of MACP in the grade pay of Rs. 4600/- in line with the instructions provided in Para 5 of Annexure-1 of DoPT's OM dated 19/05/2009 and refix the pay accordingly and refund the amount recovered from the retirement benefits of the applicant with interest as admissible under the rules.

b) An order do issue directing the respondents to refix the pension and other pensionary benefits of the applicants and grant all consequential benefits including arrears.

c) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the Cat procedure Rules 1987."

3. Ld. Counsel for the applicant, Mr. A.Chakraborty, submits that aggrieved with the withdrawal of the MACP benefits, the applicants have preferred representations under Annexure-A/7 before the Pr. Chief Commissioner of Income Tax ventilating their grievances that their pension has been reduced along with reduction in retirement gratuity, leave encashment etc. He further submits that he would be satisfied if a direction is given upon the Respondents to consider the pending representations of the applicants as at Annexure-A/7 to the O.A.

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4. Mr R.Halder, Ld. Counsel for the Respondents makes an objection that the amounts being different, the applicants ought to have preferred individual O.As.

5. In view of the fact that the issue raised by the applicant and the decision referred to are also same and since the applicants have a common interest, joint prosecution is allowed. M.A. 139/2019 is disposed of accordingly.

6. Since the representations of the applicants are stated to be pending and are yet to be considered by the authorities, no fruitful purpose would be served by calling for reply in the matter. Therefore, we dispose of this O.A. with direction upon Respondent No.6, or upon any other competent authority, to look into the grievance of the applicants as highlighted in their representations and consider the same in the light of decision as in Annexure-A/6 and to issue a reasoned and speaking order within a period of three months. We make it clear that we have not gone into the merit of the O.A. and all the points raised are kept open to consider the representation.

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

8. Applicants to pay individual Court fees to obtain copy of this order.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

RK/PS