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1 O.A. 350.01683.2014

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

Date of order: 24.1.2019

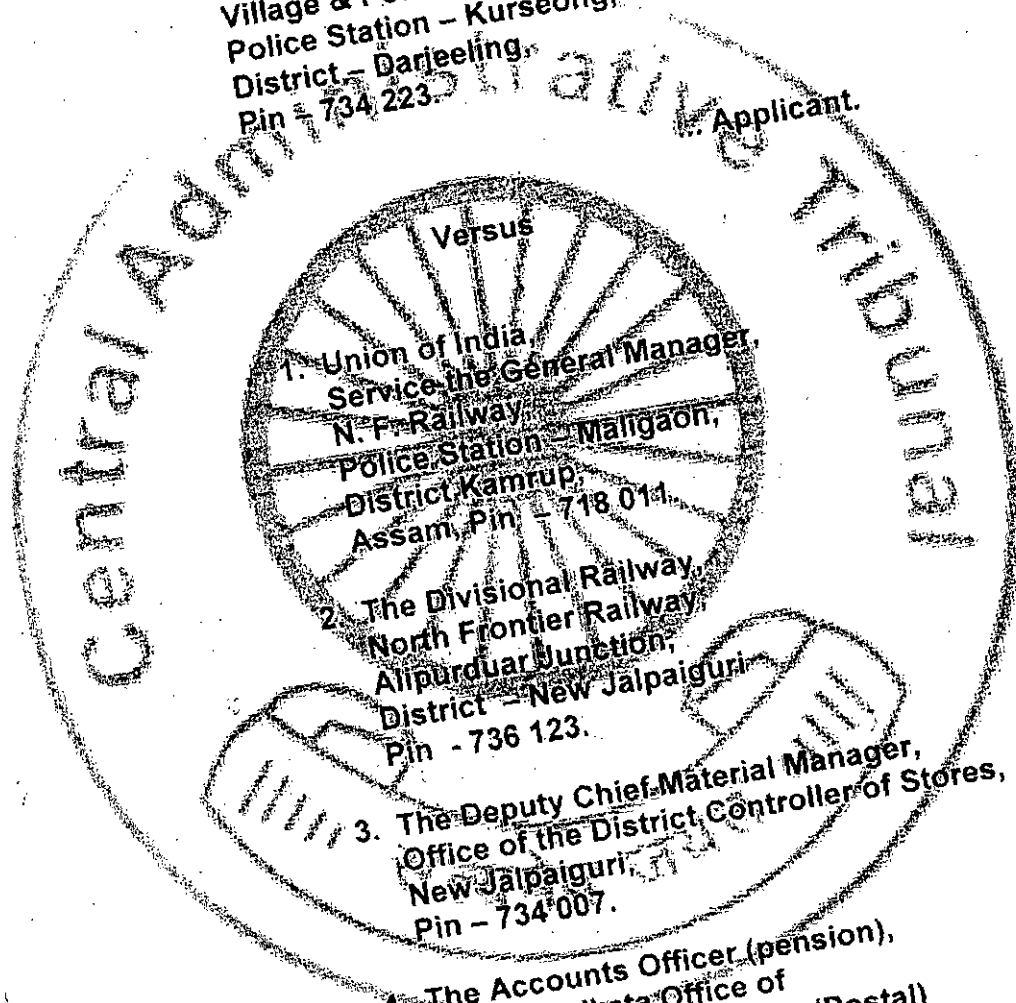
No. O.A. 350/01683/2014

Present :

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

Shri Chandrika Rai  
Son of Late Parameswar Rai,  
Village & Post Office - Thindharia,  
Police Station - Kurseong,  
District - Darjeeling,  
Pin - 734 223.

Applicant.



... Respondents.

For the Applicant :

Mr. K.S. Alam, Counsel

For the Respondents :

Mr. B.L. Gangopadhyay, Counsel

*hsh*

**ORDER (Oral)****Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal with the instant Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

*"(a) The Respondent Authority shall be ordered to release promotional benefits as a Head Clerk and to release the revised pension;*

*(b) any other or further order or orders as your Lordships may deem fit and proper;*

*(c) Costs of the proceedings;*

2. Heard both Ld. Counsel, examined pleadings, documents on record.

3. The case of the applicant, as submitted through his Ld. Counsel, is that the applicant, presently superannuated, was appointed as a Gr. 'D' Staff and thereafter promoted as Senior Clerk on 31.10.1990. There being eight vacant posts of Head Clerk in the same Division as on 26.4.1999, the applicant applied for the post of Head Clerk and was ultimately promoted on 21.5.1999 to the said post. A criminal case was, however, registered against the applicant under Sections 420, 468 and 471 of Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and hence the consequent benefits to his promotion were not released to him. The criminal case being transferred to Ld. Special Judge, CBI was ultimately withdrawn on 22.6.2011 and the applicant thereafter would pray for all the resultant benefits consequent upon his promotion as well as for revised pension.

4. From the pleadings, however, we do not find that the applicant had ever approached the respondent authorities seeking release of benefits consequent to promotion as well as for revised pension after the withdrawal of the cases by the CBI. Accordingly, as prayed for by Ld. Counsel for the applicant, the applicant is given liberty to prefer a comprehensive representation to the competent respondent authority praying for consequent benefits as well as revised pension within a period of three weeks from the date of receipt of a copy of this order.

*heli*

5. Ld. Counsel for the respondents does not object, if such comprehensive representation is directed to be disposed of in accordance with law.

6. Accordingly, without entering into the merits of the matter and with the consent of the parties, we direct the competent respondent authority that, in case the said representation is received at his end from the applicant, the competent respondent authority shall, after taking into account that the CBI cases stands as withdrawn as claimed by the applicant, dispose of the same with a reasoned and speaking order in accordance with law within a period of four weeks thereafter. Consequent benefits including revised pension may be sanctioned and released within a further period of six weeks thereafter, if the applicant is found entitled to the same.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP

