

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 351/ 3-86 of 2019

IN THE MATTER OF:

SHRI BANI BRATA DASS

son of Shri Motilal Dass, aged about 48 years, residing at Mayabunder, North Andaman - 744204, working as Library Information Assistant in the Mahatma Gandhi Government College, Mayabunder, under Andaman and Nicobar Administration.

...Applicant

-VERSUS-

1. UNION OF INDIA service through the Secretary, Government of India, Ministry of Human Resource Development, Shashi Bhawan, New Delhi- 110001.
2. THE LIEUTENANT GOVERNOR Andaman & Nicobar Islands, Raj Niwas Port Blair-744101;
3. THE ANDAMAN & NICOBAR ADMINISTRATION service through the Chief Secretary, Andaman & Nicobar

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Administration, Secretariat Complex, Port
Blair-744101;

4. THE PRINCIPAL SECRETARY (HIGHER
EDUCATION), Andaman & Nicobar
Administration, Secretariat, Port Blair-
744101;

5. THE DIRECTOR OF EDUCATION,
Andaman & Nicobar Administration VIP
Road, Port Blair-744103;

6. THE PRINCIPAL, Mahatma Gandhi
Government College, Mayabunder
744204.

...Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/351/386/2019

Date of Order: 15.03.2019

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

Bani Brata Dass -vs- M/o Human Resource Development t

For the Applicant(s): Mr. P. C. Das, Counsel

For the Respondent(s): Mr. S.Sen, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicant, and Mr. S.Sen, Ld.

Counsel for the Official Respondents, *in extenso*.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

(a) An order do issue directing the respondent authorities to fix the pay scale of Rs. 8000-13500 in favour of the applicant with effect from 08.09.1997.

(b) A direction upon the respondent authorities directing them to give the scale of pay to your applicant equivalent to the Librarian of the colleges of Pondicherry University and Jawaharlal Nehru Rajkeeya Mahavidyalaya;

(c) A direction upon the respondent authority particularly the respondent nos. 2,3 and 4 to give all consequential benefits to your applicant and fix and re-fix in time to time, in the revised scale of pay with effect from 08.09.1997 in accordance with the recommendation dated 17.06.1987 and 22.07.1998 of the UGC/MHRD the post of Librarian and in the light of the order dated 13.09.2005 passed by this Hon'ble Tribunal, Circuit Bench at Port Blair in O.A No. 109/AN/2004 in the case of similarly circumstanced person namely Mohd. Ismail-vs- Education, A&N.

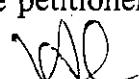
(d) To pass an appropriate order directing upon the respondent authority to modify the office order dated 24th August, 2017 being Annexure A-19 of this original application that instead of granting pay of Rs. 5500-9000 the appropriate pay scale would be Rs. 8000-13500 with effect from 08.09.1997 in terms of the recommendation made by

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the Principal, Mahatma Gandhi Government College, Mayabunder being Annexure A-14 and in terms of the office order dated officer order dated 2nd August, 2017 being Annexure A-18 in the light of the order dated 13.09.2005 passed by this Hon'ble Tribunal, Circuit Bench at Port Blair in O.A No. 109/AN/2004 in the case of similarly circumstanced person namely Mohd. Ismail-vs- Education, A&N along with all consequential benefits;

- e) To pass an appropriate order directing upon the respondent authority to grant the pay scale of Rs. 8000-13500 in favour of the applicant with effect from 08.09.1997 along with all consequential benefits;
- f) Any such order or orders as this Hon'ble Tribunal may deem fit and proper."

3. The case of the applicant, in nutshell, as submitted by Ld. Counsel, is that on 29.08.1997, initial appointment order of the applicant was issued in the post of Library Information Assistant in the scale of Pay of Rs. 1400-2300 in the Mahatma Gandhi Government College, Mayabunder. On 18.02.2000, office order was issued for absorption to the post of Library Information Assistant in pay scale of Rs. 5000-8000 wherein the applicant's name appeared at Serial No.1. On 21.02.2002, Ministry of Finance, Department of Expenditure recommended that the pay of departmental Librarians possessing minimum qualification in Bachelor of Library Science with a graduate degree may be raised to Rs. 5500-9000 with effect from 01.01.1996. On 30.07.20014, office order for pay fixation in the scale of Rs. 5500-9000 was issued in favour of the applicant. Applicant submitted that similarly circumstanced person namely Mohd. Ismail filed a case before this Tribunal bearing O.A No. 109/AN/2004 where the Tribunal had issued a direction upon the respondent to grant the pay scale of Rs. 8000-13500/- and by virtue of that direction in O.A No. 109/AN/2004, benefit of pay scale was granted. Applicant also states that on 20.09.2001, Hon'ble High Court at Calcutta, Circuit Bench at Port Blair in WPCT NO. 88/2001 has held that equal pay for equal work should be maintained and benefit has been granted in favour of the petitioners in



such WPCT. Thereafter, applicant submitted a representation on 19.09.2014. On 29.01.2015, a recommendation for revision of pay scale of Rs. 8000-13500/- was issued in favour of the applicant w.e.f. 1997. Ld. Counsel submitted that vide office order dated 24.08.2017, Respondent authorities sanctioned the pay scale of Rs. 5500-9000/- in favour of the applicant instead of 8000-13500/-.

4. However, Ld. Counsel for the applicant fairly submitted that although the applicant ventilating his grievance has preferred representation under Annexure-A/20 but till date no reply has been communicated to him. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent Nos. 3 and 4 within a specific time frame as per Annexure-A/7, A/12, A/14 and A/18 of this O.A.

5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 3 and 4 to consider the representation of the applicant under Annexure-A/20, if the same has been filed and is pending for consideration, keeping in mind Annexure-A/7, A/12, A/14 and A/18 of this O.A. 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 grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks for proper fixation of his pay. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

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7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 3 and 4, 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 parties.

(A.K.Patnaik)
Member(J)

RK/PS

