

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)

No. O.A. 351/00022/2015

Date of order: 30.9.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. A.N. Biswas,
S/o. Late A.K. Biswas,
R/o. Doctors Colony,
Nayagaon, Port Blair,
Retd. Assistant Director,
(PE & Sports),
Education Dept.,
A&N Admn., Port Blair.
2. Mritunjay Basu,
S/o. Late Nirod Behari Basu,
R/o. Nayagaon, Port Blair,
Retd. Assistant Director,
(PE & Sports),
Education Dept.,
A&N Admn., Port Blair.

.. Applicant

- V E R S U S -

1. The Union of India,
Service through the Secretary,
Ministry of HRD,
Department of Education,
New Delhi.
2. The Lt. Governor,
Andaman & Nicobar Islands,
Raj Niwas,
Port Blair.
3. The Secretary (Edn.),
Andaman & Nicobar Admn.,
Secretariat, Port Blair.
4. The Director (Edn.),
Directorate of Education,
A&N Admn., Port Blair.



.. Respondents

For the Applicants : Mr. K. Rao, Counsel

For the Respondents : Mr. S.K. Mandal, Counsel
Mr. S.C. Misra, Counsel

ORDER (Oral)Per Mr. G. Rajasuria, Judicial Member:

Heard Ld. Counsel for both sides.

2. This O.A. has been filed seeking the following reliefs:-

"a. To allow the applicants to file the instant application jointly as the grievance of both the applicants are same.

b. To pass an order directing the respondent authorities to revise the pension of your applicants in the scale of pay of Rs. 7500-12500/- forthwith.

c. To pass an order directing the respondent authorities to release the difference of leave encashment and gratuity amount of your applicants with effect from 1.1.1996 till their retirement forthwith.

d. To pass an order directing the respondent authorities to give the benefit of the judgment passed by this Hon'ble Court in O.A. No. 121/AN/2005 dated 26th May, 2006.

e. To pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of Justice."

3. The Ld. Counsel for the applicant would draw the attention of this court to Annexure A-15, the communication dated 3.8.2009 sent by the Under Secretary to Govt. of India to the Secretary (Education), A&N Administration which reads as under:-

"To

The Secretary (Education),
Andaman & Nicobar Administration,
Secretariat,
Port Blair - 744 001.

Sub: Anomaly in the scale of pay to the post of Assistant Director (Physical Education & Sports) in the Administration of A&N Islands.

Madam,

I am directed to refer to your letter No. 3-580/2005-D.III dated 16th February, 2009 on the above mentioned subject. The proposal of UT Admn. To upgrade the pay scale of Asstt. Director (Physical Education & Sports) from Rs. 6500-10500/- to Rs. 7500-12000/- to implement the CAT's order dated 30.1.2008 in O.A. No. 111/AN/2007 has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has been decided to implement the CAT's order dated 30.1.2008 for the applicants as well as other Assistant Director's (Physical Education & Sports). The UT Administration is requested to come up with a restructuring proposal in respect of the said post.

Yours faithfully,

(Aditya Chamoli)

Under Secretary to the Govt. of India
Tel. No. 011-23381434"

The Ld. Counsel for the applicant would develop his argument to the effect that the Central Government candidly and categorically directed the A&N Administration to upgrade the pay scale of Assistant Director (Physical Education & Sports) from Rs. 6500-10500/- to Rs. 7500-12000/- jointly irrespective of any discrimination amongst the Assistant Director (Physical Education & Sports). The Ld. Counsel for the applicant would also point out that the applicant even though was not a party to the earlier CAT proceedings yet as per the communication dated 3.8.2009 he is also entitled for the benefit.

4. Accordingly, the A&N Administration vide Annexure A-17 extended the benefit also in favour of the applicant herein and others but that order of the A&N Administration has not yet been implemented and he prays for a suitable direction.

5. The Ld. Counsel for the applicant would pray time to file a detailed reply in this regard. However, he would in response to the query raised by this Bench



that what harm would be there for the A&N Administration to implement its own order, state that CAT in this case might issue suitable direction.

6. This is a case which does not require adjudication at our hands because of Annexure A-17. A mere running of the eye over it would demonstrate and display that the applicants herein also were given with the higher pay scale of Rs. 7500-250-12000/- w.e.f. 1.1.1996, over which the applicants are having no grievance.

7. In such a case, we are having no hesitation in giving direction to the respondents to implement Order No. 463 dated 4.2.2011 annexed as Annexure A-17 to the O.A. in favour of the applicants as expeditiously as possible within a month from the date of receipt of a copy of this order.

8. Ordered accordingly.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)

SP