



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01607/2018

Date of order: 11.6.2019

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

Dr. Rajdeep Roy,
Son of Late Dilip Kumar Roy,
Of Village – Durlavganj, (Chandra Kona Road),
Post Office – Satbankura,
Police Station – Garhbeta,
District – Paschim Medinipur (WB),
Pin – 721253.

.. Applicant

- V E R S U S -

1. The Under Secretary,
President's Secretariat,
Rashtrapati Bhavan,
New Delhi – 110 004.
2. The Prime Minister's Office,
Govt. of India,
South Block,
Secretariat Building,
Raisina Hill,
New Delhi – 110 001.
3. The Chief Secretary,
Govt. of West Bengal,
Nabanna,
325, Sarat Chatterjee Road,
Howrah – 711 102.

.. Respondents

For the Applicant : Mr. M.K. Maity, Counsel

For the Respondents : Mr. R. Halder, Counsel

O R D E R (Oral)Per Dr. Nandita Chatterjee, Administrative Member:

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

- "(a) A direction upon the respondent authorities specifically the Respondent No. 1 to pay the arrear salaries / remunerations of the petitioner for due period and also to supply the lost documents of the petitioner immediately.
- (b) A direction upon the respondent authorities not to give effect or further effect to any erroneous decision if any passed against the petitioner and not to disturb the work of the petitioner.
- (c) A direction upon the respondent authorities to transmit and produce the records of the relevant case in order to enable this Tribunal to do conscientious justice.
- (d) An/or to pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper.
- (e) Costs."

2. Heard both Ld. Counsel and examined documents on record. The matter is taken up at the admission stage.
3. The applicant's submissions, as articulated through his Ld. Counsel, is that the applicant is an MBBS from NRS Medical College, Calcutta, and, thereafter he was engaged by the Government of India, and, that, having been appointed by the respondent authorities in the year 2004, he has been working as an employee of Government of India till the date of filing of this Original Application.

That, an appointment letter was issued to him which unfortunately was lost and, that, the petitioner, who has been working since 2004, had

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not been paid any salary till date and, hence, he had represented to His Excellency the President of India for his arrear salaries and also for retrieval of his lost documents. As because the respondent authorities have failed to furnish either the documents or pay him his arrear salaries, being aggrieved, the applicant has approached the Tribunal.

That, the applicant had approached the Hon'ble High Court, Kolkata in WP. No. 6970 (W) of 2018 which was disposed of on 21.5.2018 with the direction that the petitioner is at liberty to approach before the Central Administrative Tribunal with the self-same cause of action.

4. When the matter was heard, Id. Counsel for the respondents 1 & 2 vociferously argued that the applicant was never an employee of the Government of India and, there being no documents to such effect, the application deserves to be dismissed ab-initio.

5. It is seen from the records, however, that the Chief Secretary, Government of West Bengal was directed vide communication of Rashtrapati Bhavan dated 5.2.2016 (Annexure A-1 to the O.A.) followed by that dated 17.5.2016 (Annexure A2 to the O.A.), to liaise with and to communicate actions taken to the applicant. The applicant had also communicated with the respondent No. 3, who is the Chief Secretary, Government of West Bengal on 2.5.2018 (Annexure A-3 to the O.A.) seeking the requisite information, which remains pending at the level of the respondent No. 3 till date.

6. Accordingly, without entering into the merits of the matter, the respondent No. 3, who is the Chief Secretary, Government of West Bengal, is hereby directed to coordinate with the concerned respondent authorities to obtain the requisite information, as available in the regard, and to convey the same to the applicant thereafter. The entire exercise

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may be completed within 16 weeks from the date of receipt of a copy of this order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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