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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

O.A. No. 350/767 of 2019.

1. SRI ALOK NANDI, Son of Sri Gopinath Nandi, working as Senior Auditor under O/o the Principal Accountant General (G&SSA), West Bengal, 2, Govt. Place (West), Treasury Building, Kolkata - 700 001. *residence at P.O. P.S. - Chaudagram, Dist. Hooghly, pin - 712136*
2. SRI BIPUL DAS, Son of Sri Birendra Nath Das, working as Asstt. Audit Officer (Ad-hoc) under O/o the Principal Accountant General (G&SSA), West Bengal, 2, Govt. Place (West), Treasury Building, Kolkata- 700 001.
3. SRI KAUSTAV NATH, Son of Sri Birendra Kumar Nath, working as Auditor under O/o the Principal Accountant General (G&SSA), West Bengal, 2, Govt. Place (West), Treasury Building, Kolkata - 700 001.
4. SRI GOUTAM SARKAR, Son of Sri Gobinda Sarkar, working as Auditor under O/o the Principal Accountant General (G&SSA), West Bengal, 2, Govt. Place (West), Treasury Building, Kolkata - 700 001.

..... APPLICANTS.

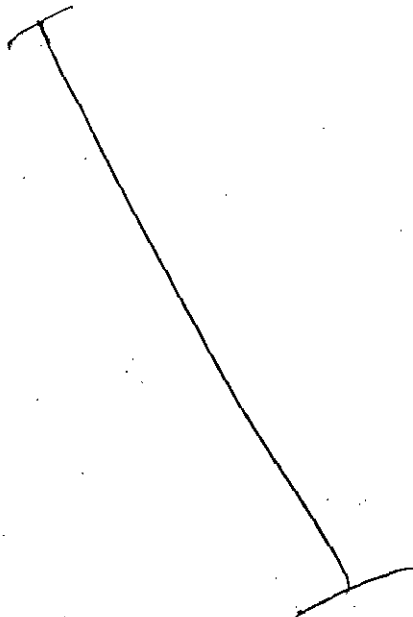
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- Versus -

1. UNION OF INDIA, through the Comptroller & Auditor General of India,
9, Dindayal Upadhyaya Marg, New
Delhi - 110 124.
2. THE PRINCIPAL ACCOUNTANT GENERAL
(G&SSA), West Bengal, 2, Government
Place (West), Treasury Building,
Kolkata - 700 001.
3. THE SENIOR DEPUTY ACCOUNTANT GENERAL
(ADMINISTRATION), Office of the
Principal Accountant General (G&SSA),
West Bengal, Treasury Building,
Kolkata - 700 001.

..... RESPONDENTS.

WLL



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/767/2019
M.A/350/420/2019

Date of Order: 25.06.2019

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

ALOK NANDI & Ors. -VS- AUDIT

For the Applicant(s): Mr. N. Roy, counsel

For the Respondent(s): Ms. D. Nag, counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. N.Roy, Ld. Counsel for the applicants, who submits that notice has been made sufficient.

2. As no-one appears on behalf of the Respondents and Ms. D.Nag, Ld. Counsel, who usually appears for the Union of India/Department, is present in the Court, on my request, Mr. Roy has served copy of the O.A., along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. D.Nag, in extenso.

3. M.A.No. 420/2019 filed for joint prosecution of this case is allowed and disposed of.

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

“ a) To issue direction upon the respondents to consider representation for pay protection, counting of past service and other service benefit be given forthwith.

b) To issue further direction upon the respondents to give the benefit and judgement dtd. 2.8.17 in O.A No. 29 of 2014, passed by Hon'ble CAT/Jaipur Bench, according to that, the applicants also same judgment/benefit may be extended forthwith.

c) To issue further direction upon the respondents the applicants' prayer for pay protection, counting of past service and other service

[Signature]

benefit may be extended according to DOPT Circular, dated 17.08.2016 forthwith.

d) Any other order or further order or orders as deem fit and proper under the circumstances of the case.

e) To produce Connected Departmental Record at the time of hearing.

f) Leave may be granted to file this joint application under rule 4(5)(a) of the CAT Procedure Rule, 1987."

5. The case of the applicants, in nutshell, as submitted by Ld. Counsel, is that the applicants were working in various departments under Government of India. They gave technical resignation and joined the post of Auditor under Comptroller & Auditor General of India in the office of Principal Accountant General (G&SSA) West Bengal and the office of the Principal Director of Audit, Eastern Railway, Kolkata. The grievance of the applicants are that they have not been given the benefit of pay protection, counting of past service and other service benefits like joining time pay, joining time leave due, annual increment etc. Ld. Counsel submits that the same similar circumstanced candidates filed a case before Hon'ble CAT/Jabalpur Bench. The case was decided in their favour and the said judgment has been implemented by the Comptroller & Auditor General of India. The applicants are praying for the similar benefit. Ld. Counsel for the applicants submitted that ventilating their grievance, the applicants preferred individual representations under Annexure-A/7. He further submitted that the grievance of the applicants may be redressed if Respondent Nos. 2 and 3 are directed to consider the said representations as at Annexure-A/7 keeping in view the orders passed by the Jabalpur Bench of this Tribunal as well as Hon'ble High Court of Madhya Pradesh (Annexure-A/6) within a specific time frame.

6. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2 and 3 to consider the



representations of the applicants as at Annexure-A/7, if the same have been filed and are pending for consideration, keeping in mind the orders passed by the Tribunal/Hon'ble High Court (Annexure-A/6) 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. It is made clear that if after such consideration the grievance of the applicants is found to be genuine and they are otherwise entitled then expeditious steps be taken within a further period of six weeks to grant them the service benefits as claimed by them. I make it clear that if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

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

8. As prayed for by Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, he undertakes to deposit the cost with the Registry within a week.

9. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS