



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A.No. 350/589/2019

Date of order : 12.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Dr. Nandita Chatterjee, Administrative Member

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1. Madhusudan Das, son of Late Haripada Das, Village and Post Office – Goaljan, Police Station – Berhampore, District – Murshidabad, Pin : 742187.
2. Asim Kumar Batabyal, son of Late Gopal Chandra Batabyal, residing at 73/1/B, Ukilabad Road, Post Office – Berhampore, District – Murshidabad, Pin : 742101.
3. Sasanka Sekhar Das, son of Late Parimal Kanti Das, Village and Post Office – Radharghat, District – Murshidabad, Pin : 742187.
4. Arup Kumar Basak, son of Late Bhagabat Chandra Basak, residing at 3, Jadu Dutta Lane, Post Office – Khagra, District – Murshidabad, Pin : 742103.
5. Kishalay Bhadury, son of Late B.N. Bhadury, residing at 31, S.N.B, Bagchi Road, Post Office – Berhampore, District – Murshidabad, Pin : 742101.
6. Sankar Basak, son of Late Dhiren Basak, Village and Post Office – Illambazar, District – Birbhum, Pin : 731214.
7. Tapas Chakraborty, son of Late Rabin Chakraborty, residing at Shivam Apartment, 64, Sodepur, 1st Lane, Post Office – Haridevpur, Kolkata – 700082.
8. Asis Ghatak, son of Late Nakuleswar Ghatak, residing at 82/5, K.P. Chattaraj Road, Post Office – Berhampore, District – Murshidabad, Pin : 742101.
9. Amitava Bhaduri, son of Late Anil Kumar Bhaduri, residing at 14, Ghatbandar, Post Office – Khagra, District – Murshidabad, Pin : 742103.
10. Pramod Kumar Sinha, son of Late Shyama Charan Lal, residing at B-18, Lal Sahab Bagan, Sada Bhahar Chowk, Near Namkum Block, Namkum, Jharkhand, Pin : 834010.
11. Hitesh Kumar Sejpai, son of Amrit Lal Sejpai, residing at 207/A, Netaji Road, Post Office – Khagra, District – Murshidabad, Pin : 742103.
12. Mrinal Mukherjee, son of Late Sunil Kumar Mukherjee, residing at 14B, Birpara Lane, Post Office – Ghughudanga, Kolkata – 700030.

13. Amal Krishna Dutta, son of Late Gobinda Chandra Dutta, residing at 52-D/4, Babubagan Lane, Flat-2B, Purnalaya, 2nd Floor, Post Office – Dhakuria, Kolkata – 700031.

..... **Applicants**

For the Applicants : Mr.T.B.Saha, Counsel

- Versus -

1. Union of India,

service through the Chief Executive Officer and Member Secretary, Central Silk Board, Ministry of Textiles, Government of India, office at CSB Complex, BTM Layout Madivala, Bangalore, Karnataka – 560608.

2. The Director,

National Silk Worm Seed Organization, Central Silk Board, Government of India, office at CSB Complex, BTM Layout Madivala, Bangalore, Karnataka – 560608.

3. The Deputy Director (A&A),

Central Silk Board, Government of India, office at CSB Complex, BTM Layout Madivala, Bangalore, Karnataka – 560608.

4. The Director,

Central Sericultural Research and Training Institute, Berhampore, under Central Silk Board, office at Berhampore, Post Office and Police Station – Berhampore, District – Murshidabad, Pin : 742101, West Bengal.

5. The Director,

Central Silk Technoligul Research Institute, CSB Complex, Bangalore – 560068.

6. The Director,

BasirZasar Silk Work, Seed Organization, Central Solk Board, Bilaspure, VarniPersudha, Kota Road, Chattisgarh, Pin :

7. The Director,

Central Sericultural Research & Training Institute, Central Silk Board, Srirampura, Manandauadi Road, Mysore – 570008.

..... **Respondents**

For the Respondents :Mr.P.Mukherjee, Counsel

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:

In MA 318/2019

This application is filed, with a prayer to permit the applicants to file the O.A. jointly. It is stated that the applicants claimed the same relief and all of them stand on same footing. We permit the applicants to file O.A. jointly subject to paying individual court fee within one week from today. M.A. is disposed of accordingly.

In OA589/2019

The applicants are working as Superintendent/Assistant Superintendents in the National Silk Worm Seed Organization, Central Silk Board, Bangalore. They are posted in a unit in Berhampore, W.B. They were extended the benefit of higher scale of pay of Rs. 5500-9000/- in the year 2004, consequent upon the decision taken by the competent authority. Through, an intimation dated 08.05.2018, the Respondents informed the applicants that the benefit extended to them is contrary to law and, accordingly, it was decided to withdraw the same and proposed to recover the resultant amounts. The applicants made representations against the intimation dated 08.05.2018 and, even while the representations were pending, deductions were effected from the arrears payable as a result and implementation of the recommendation of the 7th CPC. The information in this behalf was passed on their letter dated



12.03.2019. The applicants filed this O.A. challenging the intimation dated 08.05.2018 and the deductions made from the 7th CPC arrears. Consequential reliefs were also prayed for.

2. We heard Mr. T.B.Saha, learned counsel for the applicant, and Mr. P.Mukherjee, learned counsel for the respondents, at the stage of admission.

3. It is a matter of record that the applicants were put in the pay scale of Rs. 5500-9000/- in the year 2004, based on a decision taken by the competent authority. The state of affair continued till the year 2018 when through an intimation dated 08.05.2018 the applicants were informed that the Comptroller and Auditor General raised objection for extension of benefit of higher scale of pay and, accordingly, it has been decided to not only discontinue the benefit but also to recover the resultant amount.

4. The applicants, no doubt, submitted representations but have not chosen to challenge the intimation dated 08.05.2018 immediately thereafter. It was only after the deductions were made and they were informed vide intimation dated 12.03.2019 that the present O.A. is filed. It is no doubt true that the intimation dated 08.05.2018 is not preceded by show cause notice and we would have set aside the same, if challenged before it is implemented. However, the applicants have permitted a situation where such a relief cannot be granted. The decision communicated through the intimation has been implemented and the deductions have already



made. At this stage, we cannot direct the refund of the amount. Even now, the plea of the applicants, as to their entitlement for the benefit of higher pay scale extended to them in the year 2004, can be considered with reference to the relevant principles of law.

5. We, therefore, dispose of the O.A. directing the respondents to examine the representations dated 06.11.2018 and onwards submitted by the applicants by taking into account, the relevant facts and provisions of law and pass appropriate orders within a period of two months of the issue of the order. We also make it clear that the question as to whether the benefit of higher pay scale was extended to the applicants by the respondents on their own accord or on representation made by the applicants shall also be taken into account. If the benefit was extended by the department on its own accord, the occasion of recovery may not arise, though the benefit can be withdrawn. The Respondents shall keep this aspect into view while disposing the representations. There shall be no order as to costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Justice L. Narasimha Reddy)
Chairman

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