

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

O.A/350/552/2019

Date of Order: 01.08.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Dr. Jahar Majumdar, son of Late Chittaranjan Majumdar, aged about 62 years, retired from service as Associate Professor (Surgical Oncology) from Chittaranjan National Cancer Institute, Resident of DB-106, Sector 1, Salt Lake, Kolkata – 700064.

Applicant

Versus

1. The Union of India, service through the Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi, Pin – 110001.
2. The Joint Secretary to the Government of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi, Pin – 110001.
3. The Under Secretary to the Government of India, Ministry of Health and Family Welfare, CHS Division, Nirman Bhawan, New Delhi, Pin – 110001.
4. Chittaranjan National Cancer Institute, service through the Director, 37, S.P. Mukherjee Road, Kolkata 700026.
5. The Director, Chittaranjan National Cancer Institute, 37, S.P. Mukherjee Road, Kolkata 700026.
6. The Senior Administrative Officer, Chittaranjan National Cancer Institute, 37, S.P. Mukherjee Road, Kolkata 700026.

Respondents

For The Applicant(s): Mr. B. Nandy, counsel
Mr. D. N. Roy, counsel

For The Respondent(s): Mr. P. N. Sharma, counsel

O R D E R (Oral)

Per: Ms. Bidisha Banerjee, Member (J):

The applicant by way of this O.A, has sought for the following reliefs:

“a. An order do issue directing thereby the concerned Respondent Authority to immediately disburse the applicant the benefit of DACP Scheme which is due to the applicant from the year 2008 including arrears and revision of pension.

- b) An order do issue directing the concerned respondent authorities to transmit all the records before this Hon'ble Tribunal in the ends of justice.
- c) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicants."

2. Heard ld. counsel for both parties.

3. At hearing, Ld. counsel for the applicant would place the Annexure A-7 which reads as under:

"Subject: Prayer for grant of Grade Pay of Rs. 10,000/- in PB-4 under DACP Scheme.

Sir,

Please refer to your letter dated 7th November, 2018 on the subject cited above. It may please be noted that the matter for promotion from Specialist (in the Grade pay of Specialist Gr. I) from Pay Band of Rs. 37,400-67000/-+ Grade Pay Rs. 8700/- to the pay band of Rs. 37,400-67,000/-+ Grade pay Rs. 10,000 under DACP scheme was placed in the Departmental Promotion Committee meeting held on 22.06.2018 and the following resolution was taken:

"The Committee on consideration of incomplete ACRs and other related papers of Dr. Jahar Majumdar felt that the concerned Reporting and Reviewing Officers should have completed the process on time. In this regard the concerned Reporting and Reviewing Officers should be communicated officially to complete the process as early as possible and the matter be communicated to the incumbent concerned for information. After completion of the relevant documents the matter may be placed in the next meeting of DPC under DACP scheme for consideration."

In compliance of the decision of the DPC necessary action in this regard will be taken accordingly."

4. Ld. counsel for the respondents would assure that all communication would be over shortly, the matter would be placed before the next DPC schedule in accordance with the normal DPC calendar and the applicant shall be accorded due consideration.

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5. Therefore, we direct the competent authorities to act in accordance with law as assured by their counsel and place the applicant's case before the DPC to meet next.

6. Based on the consideration if the applicant is found entitled to the benefits of DACP Scheme w.e.f 2008, it shall be accorded with the consequential benefits shall within 2 months from such DPC.

7. Accordingly, the O.A stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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