

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



O.A/350 /1104/2019

Date of Order: 01.10.2019

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

Jyotirmoy Poddar, son of late Jatindra Nath Poddar, aged about 60 years, retired Director General, Central Statistical Office, Ministry of Statistics and Programme Implementation, New Delhi, residing at K-9D, Natural City Complex, 43, Shyam Nagar Road, Kolkata - 700055.

---Applicant

-Versus-

1. Union of India, through the Secretary to the Government of India, Ministry of Statistics and Programme Implementation, Sardar Patel Bhavan, Sansad Marg, New Delhi 110001.
2. The Secretary to the Government of India, Ministry of Statistics and Programme Implementation, Sardar Patel Bhavan, Sansad Marg, New Delhi 110001.
3. The Secretary to the Government of India, Department of Pension & Pensioners' Welfare, Lok Nayak Bhavan, Khan Market, New Delhi - 110003.

----Respondents

For the Applicant(s): Mr. S. K. Datta, Counsel

For the Respondent(s): None

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Ld. counsel for the applicant is present and heard. Affidavit of service is taken on record.

2. The applicant has approached this Tribunal under Section 19 of the AT Act, 1985, seeking the following relief:

"a) An order holding that the applicant is entitled to notional increment for the period from 1.7/2018 till 30th June, 2019 as per decision of the

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Hon'ble High Court at Madras dated 15.09.2017 passed in W.P. No. 15732 of 2017 and his case is squarely covered by the ratio of the said decision.

b) An order directing the respondents to grant the benefits of notional increment for the period of service rendered by the applicant from 1.7.2018 till 30th June, 2019 with all consequential benefits in terms of the ratio of that decision of the Hon'ble High Court at Madras dated 15.09.2017 in WP. No. 15732 of 2017 and further directing them to revise the post retirement benefits of the applicant accordingly including pension and gratuity.

c) An order directing the respondent authorities to grant consequential monetary benefits to the applicant on revision of post retirement benefits with interest.

d) An order directing the respondents to produce/cause production of all relevant records.

e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. During hearing, Ld. counsel for the applicant would submit that a representation dated 06.05.2019 was preferred to the Respondent No. 2 in which the applicant has prayed for granting one Notional Increment for the period from 01.07.2018 to 30.06.2019 for the purpose of pensionary benefits. The applicant has relied on the ratio in the judgement of the Hon'ble High Court of Judicature at Madras, dated 15.09.2017 passed in W.P. No. 15732 of 2017, subsequently upheld by the Hon'ble Apex Court.

Ld. counsel for the applicant would further draw attention by furnishing the Hon'ble Apex Court's dismissal of a review petition filed against decision in SLP (Civil) Diary No. (s) 22283/2018, upholding the judgement of the Hon'ble High Court on merit.

4. Despite affidavit in service, none appears on behalf of the respondents.

Hence, Rule 16(1) of CAT (Procedure) Rules, 1987 is invoked.

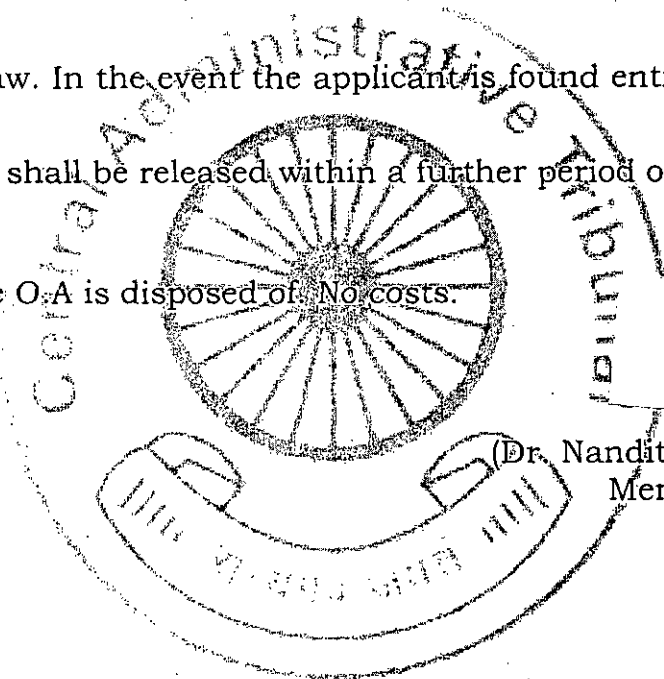
5. As no useful purpose would be served for calling for reply given the pending representation at the level of the respondent authorities, I hereby

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direct Respondent No. 2 to dispose of the representation dated 06.05.2019, as preferred by the applicant, within a period of 8 weeks from the date of receipt of a copy of this order. While disposing of the same, concerned respondent authority shall consider the ratio in the judgment of the Hon'ble High Court of Judicature at Madras, dated 15.09.2017 passed in W.P. No. 15732 of 2017, subsequently upheld by the Hon'ble Apex Court in SLP (Civil) Diary No. (s) 22283/2018.

6. It is made clear that I have not entered into the merits of the matter and the respondents are at liberty to decide on the applicant's representation in accordance with law. In the event the applicant is found entitled to consequent benefits, the same shall be released within a further period of 12 weeks.

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



(Dr. Nandita Chatterjee)
Member (A)

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