

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350 /1105/2019

Date of Order: 01.10.2019

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

Sudip Kumar Ray, son of late Satyendra Mohan Roy, aged about 61 years, retired Deputy Director General, Office of the Additional Director General, Survey Design & Research Division, NSSO, Kolkata, residing at Flat No. 10 (A), CD 17, Action Area -1, New Town, Kolkata - 700156.

---Applicant

-Versus-

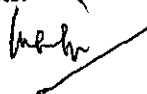
1. Union of India, through the Secretary to the Government of India, Ministry of Statistics and Programme Implementation, Sardar Patel Bhavan, Sansad Marg, New Delhi 110001.
2. The Secretary to the Government of India, Ministry of Statistics and Programme Implementation, Sardar Patel Bhavan, Sansad Marg, New Delhi 110001.
3. The Secretary to the Government of India, Department of Pension & Pensioners' Welfare, Lok Nayak Bhavan, Khan Market, New Delhi - 110003.
4. The Additional Director General, Survey Design & Research Division, National Sample Survey Office, 164, G.L. Tagore Road, Kolkata - 700108.

----Respondents

For the Applicant(s): Mr. S. K. Datta, counsel  
For the Respondent(s): Mr. P. Prasad, counsel

**ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:

Ld. counsel for the applicant and respondents are present and heard.  
Examined documents on record. This matter is taken up at the admission stage for disposal.



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 1.7/2017 till 30<sup>th</sup> June, 2018 as per decision of the 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 1.7.2017 till 30<sup>th</sup> June, 2018 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 09.05.2019 preferred to the Respondent No. 4, praying for re-fixation of pension and grant of consequential benefits is pending at the level of the respondent authorities. The applicant would rely upon 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 in support. It is further noted, as submitted by ld. counsel for the applicant that the Hon'ble Apex Court has dismissed the Review Petition 1731/2019 in SLP (C) No. 22008/2018 on merits against the judgement arrived at in the said SLP upholding the judgement of High Court of Judicature in Madras.

Ld. counsel prays that a direction be issued to the respondent authorities to dispose of the said representation in a time bound manner.

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4. Ld. counsel for the respondents does not object if such directions are issued to dispose of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter and with the consent of both the parties, I hereby direct Respondent No. 4, who is the Additional Director General, Survey Design & Research Division, National Sample Survey Office, to examine the contents of the representation dated 09.05.2019, annexed at Annexure A/2 to the O.A, and to dispose of the same in accordance with law within a period of 12 weeks and convey his decision in the form of a reasoned and speaking order forthwith to the applicant.

While deciding on the same, the concerned respondent authority shall consider the ratio in W.P. No. 15732 of 2017 as arrived at by the Hon'ble High Court of Judicature at Madras vide order dated 15.09.2017 and subsequently upheld by the Hon'ble Apex Court's decision in SLP (Civil) Diary No. (s) 22283/2018 dismissing the review petition on merit.

In the event, a favourable decision is arrived at by the respondent authorities, consequent benefits shall be released to the applicant within a period of 12 weeks thereafter.

6. It is made clear that I have not entered into the merits of the matter and the respondents are at liberty to decide in accordance with law.

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

(Dr. Nandita Chatterjee)  
Member (A)