

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01252/2019

Date of order: 26.9.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Tara Sankar Bhattacharjee,
Son of Lt. Dharani Bhattacharjee,
Working as General Duty Assistant,
National Institute Homoeopathy,
Under Director, Block - GE, Sector - III,
Salt Lake City, and residing at
13/2B, Beniatala Lane
Kolkata - 9

.... Applicant

VERSUS

1. Union of India through the
Secretary,
Ministry of Ayush,
Block - B, GPO Block INA Colony,
New Delhi - 110 023.
2. The Director,
National Institute of Homoeopathy,
Block - GE, Sector - III,
Salt Lake City,
Kolkata - 700 106.
3. The Administrative Officer,
I.C.-Cum-Member Secretary,
Office of National Institute of Homoeopathy,
Block - GE, Sector - III,
Salt Lake City,
Kolkata - 700 106.

.... Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Ms. D. Nag, Counsel

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O R D E R (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

(a) The issue direction upon the respondent authorities to consider the representation for 3rd financial upgradation benefit, dtd. 8.1.2018, 20.8.2018 and 8.7.2019 forthwith;

(b) To quash/cancel and/or set aside the impugned order, dtd. 22.1.2019 forthwith;

(c) To issue further direction upon the respondent authorities to give the benefit of 3rd MACP w.e.f. 9.12.2013, where the same similar person, namely, Sri Kalyan Bhattacharja has got 3rd financial upgradation w.e.f. 9.12.13, the applicant's date of appointment is 9.12.83 and Sri Kalyan bhattacharja his date of appointment is 9.12.83 forthwith;

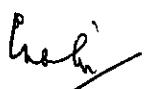
(d) Any other order or further order or orders as your Lordship may deem fit and proper under the circumstances of the case;

(e) To produce connected departmental records at the time of hearing."

2. Heard both Ld. Counsel, perused documents on record. The matter is taken up at the admission stage.

3. The applicant has submitted through his Ld. Counsel that he was appointed as a duty Assistant on 1.7.1983. According to the DOP&T circulars dated 9.9.2016 and 16.11.2009, the applicant, on completion of 30 years of service, is entitled to his 3rd MACP w.e.f. 9.12.2013. The applicant, however, has been granted such 3rd MACP benefits w.e.f. 8.1.2017 thereby discriminating him from one Kalyan Bhattacharja, whose date of appointment being 9.12.1983, was duly accorded 3rd MACP benefits w.e.f. 9.12.2013. The applicant thereafter represented on 9.4.2015, 8.1.2018, 20.8.2018 and 8.7.2019 respectively, but, not having received any response thereupon and, being aggrieved, has approached the Tribunal seeking the aforementioned relief.

4. Ld. Counsel for the applicant robustly urges that the applicant will be fairly satisfied if a direction is issued to the concerned respondent



authority to dispose of his representation dated 9.4.2015 (Annexure A-7 to the O.A.) and subsequent reminders.

5. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

6. We are of the considered view that no useful purpose would be served in calling for a reply as because the respondent authorities are yet to decide on the representations of the applicant dated 9.4.2015 followed by reminders dated 8.1.2018 and 20.8.2018 and 8.7.2019.

7. Accordingly without entering into the merits of the matter and with the consent of the parties, we hereby direct the respondent No. 2, who is the Director, National Institute of Homoeopathy, to examine the contents of such representations annexed collectively at A-7 to the O.A., if received at his end, and, to, thereafter decide on the same in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The decision arrived at should be conveyed in the form of reasoned and speaking order forthwith to the applicant thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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