|  |  |  |
| --- | --- | --- |
| *02*  *23/02/2018* | *Mr. Saharangshu Bhattacharjee,*  *Learned Advocate.*  ***For the Applicant :***  *N O N E.*  ***For the State Respondents :***  *The instant application has been filed praying for direction to the respondents to take action against the willful violation of the order dated 05.09.2016. We have read the order which are as follows :*  ***“Heard Mr. Bhattacharya, ld. Adv. Appearing for the petitioner, affidavit of service is filed which be kept with the record. None appears on behalf of the state respondents. perused the application and annexure thereto. We find that the applicant has prayed for pay protection. In fact, he has not made any application before the authority concerned praying for his pay protection as yet. There are some official communications which altogether suggests that pay protection matter is under consideration. But, in order to invoke jurisdiction of this Tribunbal, either the applicant has to show inaction or action on the part of the govt. which cused prejudice to him. Here, in this case, the applicant has not filed any representation before the authority concerned ventilating his grievances regarding pay protection as yet even after his retirement.***  ***In the facts above, we direct the petitioner to file a representation before the authority concerned ventilating his grievances therein, if he so desires.***  ***In case the deptt. Receives such a representation, it may consider the prayer of the applicant. If the applicant’s prayer is considered and a decision is taken by the deptt. Not up to his satisfaction, he may approach this Tribunal within the period of limitation prescribed by the Administrative Tribunals Act.***  ***In terms of the above order, we dispose of this application***  ***Plain copy.”***  *After perusing the order we do not find there is any mandatory direction to the respondents. In our opinion only some liberty was granted to the applicant to file representation and if he filed representation the respondents may consider his case.*  *In view of the above, we do not find there is any violation of our order. However, if the applicant is aggrieved, he is at liberty to take appropriate steps in accordance with law.*  *Accordingly, the contempt petition is dropped.*  *Notices are discharged.*    ***Dr. A. K. CHANDA URMITA DATTA (SEN)***  ***MEMBER(A) MEMBER(J)***  *Rajat* |  |