

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

No. Of Adjournment : 1

COURT NO. : 1

20.03.2020

O.A./260/140/2020

M.A./260/216/2020

BIJAYA KUMAR ROUL & OTHERS

-V/S-

M/O DEFENCE

ITEM NO:5

FOR APPLICANTS(S) Adv. :

MR.S.K.OJHA

FOR RESPONDENTS(S) Adv.:

MR.A.PRADHAN

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsel for the applicants and Mr.A.Pradhan, learned counsel appearing on behalf of the Respondents. Registry to reflect the name of Mr.A.Pradhan appearing on behalf of the respondents on record.</p> <p>M.A.No.216/2020 has been filed by three applicants seeking permission to jointly prosecute this O.A. since the nature of grievance and reliefs sought for are the same. In view of this, M.A.No.216/2020 is allowed and the applicants are permitted to jointly prosecute this O.A.</p> <p>Grievance of the applicants is that in spite of order dated 9.12.2019 passed by this Tribunal in O.A.No.758/2019 directing the Respondent No.2 to consider the representations of the applicants for their eligibility to be considered for promotion to the post of Chargeman-II(T), the same have been rejected by the Respondents vide order dated 20.02.2020 (Annexure-19 series of the OA), in spite of the fact that similar benefit was granted to other similarly placed employees vide order dated 31.12.2019 (Annexure-3) in compliance with the order dated 27.2.2015 of the CAT, Principal Bench in O.A.No.2430/2014 (Annexure-A/1) which was also upheld by the Hon'ble High Court of Delhi vide order dated 25.4.2019 in WP(C) No.8642/2015 (Annexure-A/2). It is pointed out by the learned counsel for the applicants that the said orders have been implemented by Respondent No.2 vide order dated 31.12.2019 (Annexure-A/3 of the OA). Based on this, it is the contention of the learned counsel for the applicants that the applicants being similarly situated persons,</p>

their representations should not have been rejected.

Learned counsel for the respondents wanted time to obtain instructions in the matter. It is seen from the representations submitted by the applicants before Respondent No.2 that nowhere there is any mention about the existence of the orders of CAT, Principal Bench, New Delhi and the order of the Hon'ble Delhi High Court at Annexure-A/1 and A/2, respectively, in compliance of which, order at Annexure-A/3 has been passed by the Respondents in respect of other similarly placed employees. Since this point had not been raised by the applicants before Respondent No.2 and is being raised for the first time before this Tribunal in the present OA, we are of the view that the authorities should be given an opportunity to reconsider the case of the applicants in the light of the orders at Annexure-A/1 and A/3 of the OA.

Therefore, the OA is disposed of at this stage with liberty granted to the applicants to submit fresh representations enclosing thereto copy of the Paper Book of this OA to Respondent No.2 within a period of 10 days from the date of receipt of copy of this order and on receipt of the same, the Respondent No.2 shall reconsider the matter in the light of the extant Recruitment Rules in force and the orders of the Tribunal at Annexure-A/1 order at Annexure-A/2 which have been complied vide order at Annexure-A/3 issued by the Respondent No.2 and pass speaking and reasoned orders within a period of two months from the date of receipt of such representations, under intimation to the applicants. Till such time, if the respondents decide to go ahead with the promotion in the post of Chargeman-II(Technical), then three posts shall not be filled till disposal of the representations of the applicant by Respondent No.2 as stated above. It is made clear that if the applicants fail to submit the representations to Respondent No.2 within the time as stated above, then no post of Chargeman-II(Technical) is required to be kept vacant as per this order.

With the above observation and direction, this OA is disposed of at the stage of admission itself. We have not expressed any opinion on merit of the OA while passing this order. No costs.

Free copy of this order be made over to learned counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)