

In the Hon'ble Central Administrative Tribunal, Calcutta Bench.

O.A. No. 350/ 734 of 2017

An application under Section 19 of the
Administrative Tribunals Act 1985

AND

In the matter of:

Dr. Narendra Shanker Pandey s/o R S Pandey, aged
about 58 years, working for gain as Dy. Director, Central
Forensic Science Laboratory (Ballistics), 30, Gora Chand
Road, Kolkata - 700 014 and residing at Flat No 4, Type
V, MS Building, 21-Ritchie Road, Kolkata-19.

.... Applicant

- Versus -

1. Union of India, service through Secretary to the
Government of India, Ministry of Home Affairs, North
Block, New Delhi - 110 001.

2. Chief Forensic Scientist.

Directorate of Forensic Science, Ministry of Home
Affairs,, Block No. 9, 8th Floor, CGO Complex, Lodhi
Road, New Delhi - 110 003.

3. Director,

Central Forensic Science Laboratory,
30, Gora Chand Road, Kolkata - 700 014.

4. Secretary to the Government of India,
Department of Personal & Training, North Block,
New Delhi - 110 001.

5. Union Public Service Commission through the
Secretary, Union Public Service Commission
Dholpur House, Shahajan Road, New Delhi - 110069.

6. Shri K. P. Sudhakaran Kartha, son of Shri K. G.
Purushothama Kartha, aged about 59 years, Deputy

Director & Scientist D (Explosive) Central Forensic Science Laboratory, Hyderabad R/O H No. 5-3/23, Srisaingar Colony, Bodhuppal, Ranga Reddy, District Hyderabad, Pin : 500 092.

7. **Dr. Sanjay Kumar Jain**, son of Shri Kapoor chand Jain, aged about 52 years, Deputy Director & Scientist D (Ballistics) & Director-in-charge Central Forensic Science Laboratory, Chandigarh R/O H NO.703/1, Sector 36B, Chandigarh - 160036.

8. **Shri Krishan Murari Varshney**, son of late Shri Pyarelal, aged about 57 years, Deputy Director & Scientist D (Chemistry) & Coordinator Central Forensic Science Laboratory, 38/4, Krishna Complex, Kharadi Bypass, Kharadi, Pune-411014 Maharashtra.

9. **Dr. (Mrs.) Sukhminder Kaur**, wife of Rupinder Singh Walia, aged about 48 years, working as Deputy Director & Scientist (Chemistry), D residing at H. NO. 4320 Sector 68, SAS Nagar, Mohali- 160062 (Punjab).

.....Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/734/2017

Date of Order: 16.03.2020



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

Dr. Narendra Shankar Pandey.....Applicant

Vrs.

Union of India & Ors.Respondents

For The Applicant(s): Mr. C.Sinha, Counsel

For The Respondent(s): Ms. P.Goswami, Counsel

Mr. A.K.Chattopadhyay, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. Applicant has preferred this O.A. to seek the following reliefs:

"a) To set aside the Notification issued by the Ministry of Home Affairs dated 31.12.2013 formulating the new Recruitment Rule for Group-A Officers of CFSL by individually incorporating invalid degrees not having sanctioned or approved of various Government Departments including DoPT, DST, UPSC, CSIR, UGC, AICTE.

b) To set aside the Recruitment Rule 2013, FCS, which has been notified without prior approval of the Minister-in-Charge at the first instance and subsequently taking post facto ratification by Minister-in-Charge on 29.12.2014;

c) To direct the respondent authorities to follow the Old Recruitment rule, 1991 till a new Rule for the Scientist in CFSL is framed by the appropriate authority in accordance with law;

d) To prohibit the respondent authorities from giving any effect and/or further effect to the Recruitment Rule, 2013 including holding of Assessment Boards and Screening Committees who were considering promotion of the Scientist in CFSL till final adjudication of this case by the Hon'ble Tribunal;

e) To direct the respondent authorities to consider the applicant's case for promotion to the post of Director in the Old Recruitment

Rules as far as he is purely entitled to be promoted in the post of Director of CFSL;

f) An order quashing and/or setting aside the recommendation and selection of the Respondent Nos. 6 to 9 for In-situ promotion to the Grade of Director under Flexible Complementing Scheme pursuant to the Board of Assessment Meeting dated 20.05.2016 which has come to the knowledge of the applicant from the pleadings on behalf of the Respondents in OA No. 901 of 2016 and OA No. 739 of 2016 pending before this Hon'ble Tribunal.

g) And/or pass such other order or orders....."

3. At hearing, Ld. Counsel for the respondents, Ms. P.Goswami, by furnishing a letter dated 27.01.2020 addressed by the Director, Central Forensic Science Laboratory, along with various Office Orders, submitted that the grievance of the applicant has already been redressed and, therefore, nothing remains for further adjudication in the matter and the O.A. can be disposed of accordingly.

4. We have perused the letter dated 27.01.2020, which is produced below:

CENTRAL FORENSIC SCIENCE LABORATORY
DIRECTORATE OF FORENSIC SCIENCE SERVICES
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA
30, GORACHAND ROAD, KOLKATA - 700 014
(Phone No. 033-22841768, 3187, 1638, Fax No. 033-22849442)

No.CFSL(K)/18/1/OA -734 of 2017/NSP/14/384

Dated: 27/01/20

To
Smt. Pranali Goswami, Advocate
Sr. Counsel GR.-I
Central Administrative Tribunal
Calcutta Bench
Kolkata (Mob. No. 9433008893)

Sub: Request for early disposal of OA No. 734 of 2017 and OA No. 739/2016 filed by Dr. N.S.Pandey Vs UOI & Others - reg.

Sir,

This is to inform that Dr. N.S.Pandey, Director and Scientist-E (Retired) has filed following O.A.s:-

(I) OA No. 734 of 2017 : The applicant prays for an order restraining the official respondents from giving any effect or further effect to the recommendation of the Assessment Board proceeding for the post of Director, CFSL held on 20.05.2016, which has been carried out pursuant to the defective Recruitment Rule of 2013 which needs to be set aside and further not to publish any result of the aforesaid Assessment Board or give effect or further effect to the same without due leave of the court.

(II) OA No. 739/2016: To direct respondents authorities to stay recall the notice issued by the UPSC dt.28.04.16 for holding the Board assessment to consider for promotion from Dy. Director-cum Scientist-D to the post of Director-cum Scientist-E under the FCS Scheme to be held on 20.05.18 at 10.30 a.m.

This is to inform that Dr. N.S.Pandey, who retired on superannuation on 31.12.2018, has been granted 3rd financial up-gradation under the MACP in PB-3 with grade pay of Rs.7600/- w.e.f. 18.04.2011 and subsequently In-situ promotion to the grade of Director & scientist-D(Ballistics) under FCS scheme on 05.12.2013 (copy enclosed).

It is, therefore, requested to make all efforts for early disposal of the above O.As.

Yours faithfully,

(B. Bagchiya)
DIRECTOR

27/01/20

B

5. On being asked the response of Ld. Counsel for the applicant, Mr. C.Sinha submitted that the O.A. can be disposed of with liberty to the applicant to agitate the matter in case he is further aggrieved.



6. Having heard the contentions of Ld. Counsel for both the sides, we dispose of this O.A. with liberty to the applicant to approach the Tribunal, if he is further aggrieved. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK