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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A/350/ 01722 OF 2019

MES 194035 Shri Goutam Roy IDSE  
son of late Bhakta Pada Roy, aged  
about 58 years, presently posted at  
HQ CE Eastern Command as Jt. DG  
(Pers & Trg), Engrs Branch Pin -  
908542 C/o 99 APO Station Kolkata  
and residing at LIC Officers' Co-Op.  
Housing Society, 129/44, S. N. Roy  
Road, Kolkata - 700038, PS - Behala,  
W.B.

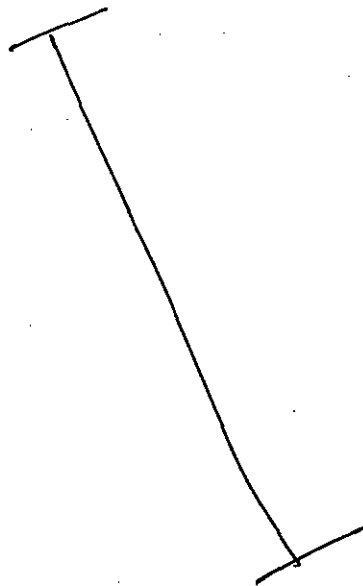
... Applicant

- Versus -

1. Union of India service through the  
Secretary Ministry of Defence, South  
Block, New Delhi - 110011.
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2. ~~Engineer-in-Chief~~, IHQ, Ministry of Defence (Army), Rajaji Marg, Kashmir House, New Delhi - 110011.
3. Director General (Pers), IHQ, Ministry of Defence (Army), Rajaji Marg, Kashmir House, New Delhi - 110011.
4. Additional Director General (Pers), IHQ, Ministry of Defence (Army), Rajaji Marg, Kashmir House, New Delhi - 110011.
5. Chief Engineer HQCE Eastern Command, Fort William, Kolkata - 700027.

... Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**



O.A/350/1722/2019

Date of Order: 07.01.2020

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

Goutam Roy.....Applicant

Vrs.

Union of India &amp; Ors. ....Respondents

For The Applicant(s): Mr. J.R.Das. Counsel

For The Respondent(s): Mr. R.Halder, Counsel

**ORDER (O R A L)**

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. The applicant has moved this Tribunal to seek the following reliefs:

*"(i) An order directing the respondents to cancel, rescind withdraw or set aside the purported order/letter dated 23.5.2019, 24.07.2019, 25/28.10.2019 etc. respectively since denying the CE (Zone) posting to the applicant without due consideration and without due application of mind to the fact that there being no financial implication as also the juniors of the applicant have already been allowed with such posting and the applicant cannot be left out.*

*(ii) An order directing the respondents to further review those APARs that scored 7.64 or above to be enhanced to 8.0 or more since been intentionally/whimsically awarded lower than 8.0 to deprive the applicant of his due posting as Chief Engineer (Executive)/CE (Zone), in the interest of justice.*

*(iii) An order to specifically consider and amend/correct the APAR for 2018-19 awarded with 7.88 lowering the gradation by Reporting Authority in a whimsical manner to deprive the applicant.*

*(iv) An order superseding those adverse orders/letters and to allow the applicant his due posting as Chief Engineer (Executive)-CE (Zone) on immediate basis from the date at par with his juniors without debarring the applicant, if less than one year be left following such posting, if allowed on a later date since the applicant being due to retire on 31.01.2021.*

*(v) An order directing the respondents to dispose of the representations made by the applicant being dated 18.06.2019 as also the Presidential Memorial in a time bound manner.*

*(vi) An order directing the respondents to submit all the relevant records of the case before the Hon'ble Bench with copy to the Ld. Advocate for the applicant for conscionable justice.*

*(vii) Any other order....."*



3. Ld. Counsel for the applicant, at hearing, would submit that applicant is due to retire on 31.01.2021 and grievance of the applicant may be redressed if his Presidential Memorial dated 17.12.2019 (as at Annexure-A/5 to this O.A.) is considered and appropriate order is passed within 31.01.2020.

4. Since the Presidential Memorial has been preferred on 17.12.2019 and that the applicant has to have residency period of atleast one year to confer him the designation of Chief Engineer (Executive), we direct the competent authority to consider the Presidential Memorial dated 17.12.2019 and pass appropriate order communicating the same to the applicant within 31.01.2020. It is made clear that we have not entered into the merits of the matter, hence all points are kept open for consideration.

5. The O.A. accordingly stands disposed of. No costs.

(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

RK