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In Hon'ble Central Administrative Tribunal Kolkata Bench

O.A. No. 350/739 of 2016

An application under Section 19 of the
Administrative Tribunals Act 1985

AND

In the matter of :

Dr. Narendra Shanker Pandey
son of R S Pandey 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-700019.

.....Applicant

- Versus -

1. Union of India, service through
Secretary, 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,

Union Public Service Commission
Dholpur House, New Delhi - 110069.

Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/739/2016

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.Chattpadhyay, 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 direct the respondent authorities to stay and recall the notice issued by the UPSC dated 28.04.2016 for holding the Board Assessment to consider for promotion from Deputy Director cum Scientist-D to Director cum Scientist-E under FCS Scheme dated 20.05.2016 at 10.30 a.m. forthwith and also to recall/rescind benefits of the scheme if extended pursuant notice dated 28.04.2016 and further recall/rescind the Personal Talk Letters dated 9-5-2016 issued by the respondents.

b) To direct the respondent authorities to consider your applicant's case as directed on 03.12.2015 and allow him to appear Assessment board to be held on 20.05.2016 for the post of director under the FCS Scheme by treating him as a candidate of 2008 and in the light of Preetpal Singh's Case, N R Parmar's case as well as DOP&T guide line dated 25.03.1996 and judgment passed in Dhirender Singh Pariwal's case (Supra) after treating him eligible.

c) To pass further 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/I/OA-734 of 2017/NSP/14/384

Dated: 27/01/20

To
Smt. Pranati 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 20.05.16 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 05.12.2018 (copy enclosed).

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

Yours faithfully,

B. Bagchi
(B. Bagchi)
DIRECTOR 27/01/2020

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