

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00381/2020

Date of order: 25.9.2020

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

Mr. Amiya Bhusan Pratihari,
S/o Sri Pramod Kumar Pratihari,
Aged about 31 years,
Occupation – service,
Residing at – 10, Ravindrakanan Lane 2,
Kestopur, W.B – 700102.

.... Applicant.

Versus

1. Union of India
Through Secretary,
Ministry of Communication & Information Technology,
Department of Electronics and Information Technology,
Electronics Niketan, 6; CGO Complex, Lodhi Road,
New Delhi – 110003.
2. The Director
Society for Applied Microwave Electronics and
Engineering Research, Plot no.2, Block-G.P,
Sector-V, Salt Lake Electronics Complex,
Kolkata – 700091.
3. Accounts and Admin Officer-I
Society for Applied Microwave Electronics and
Engineering Research, Plot no.2, Block-G.P,
Sector-V, Salt Lake Electronics Complex,
Kolkata – 700091.

... Respondents.

For the Applicant : Ms. M. Saha, Counsel

For the Respondents : Ms. D. Nag, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

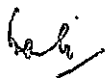
The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "1) Order of status quo to the post of Project Assistant C.
- 2) Grant of equal pay for equal work to the petitioner with effect from
- 3) Proper pay Fixation in the Pay Band of Technical Assistant C
- 4) Regularization and absorption in the post of Technical Assistant C.
- 5) To quash and set aside the order and communication of the Respondent no.2 dated 16.01.2017.
- 6) Payment of all arrears with retrospective effect.
- 7) The respondents be directed to set aside the internal advertisement bearing No. SMR (K)/ Rec-01/2020 for appointment to the post of Project Assistant C (Mechanical)
- 8) Any other relief or reliefs which the petitioner is entitled to."

2. Heard both Id. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. The applicant would submit through his Id. Counsel that he was contractually engaged as a Project Assistant C (Mechanical) by the respondent authorities on 16.6.2010. His contract was, thereafter, renewed from time to time at various consolidated salaries and on specific terms and conditions. The last order on applicant's contractual engagement was issued on 16.1.2017.

The respondent authorities, however, have issued a notification for filling up the post of Project Assistant 'C' vide their advertisement No. SMR(K)/Rec-01/2020 in which the qualification for Project Assistant C has been stated to be as follows:-



Society for Applied Microwave Electronics Engineering & Research
Plot L2, Block GP, Sector V, Salt Lake Electronics Complex, Kolkata-700091

Advertisement No. SMR(K)/Rec-01/2020
INTERVIEW FOR CONTRACT POSITIONS

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D. PROJECT ASSISTANT - C

S. N.	Post: Project Assistant -C (02)	
1.	Discipline	MECHANICAL (01)
	Designation	Project Assistant -C
	Essential Qualification	First Class Diploma (3 years duration) in Mechanical Engineering from recognized Institution/University.
	Experience	Ten Years in the field of generation of 2D & 3D drawings using CAD Software like Solid Works and etc.
2.	Discipline	COMPUTER SCIENCE (01)
	Designation	Project Assistant - C
	Essential Qualification	First class BCA/BSC Computer Science/diploma in Computer Science (3 years duration from recognized Institution / University
	Experience	Ten Years in the field of computer maintenance as well as software design & development (computer hardware, windows and Linux workstation, Intranet, Internet, network and other related maintenance work on day to day basis.

Remuneration : Rs. 27000/- to Rs. 34800/- per month (consolidated Salary)
Depending on qualification/experience. No other allowance.

Duration : One/Two Years depends on Project Duration (Purely Temporary)

Age limit : 40 years."

The applicant is apprehensive that the requisite qualification for Project Assistant C having been altered, he would no longer be eligible for the post of Project Assistant 'C' and is likely to be replaced by fresh applicants.

Hence, being apprehensive that his engagement may be terminated, the applicant, vide his representation dated 4.3.2020 (Annexure A-16 to the O.A.) has requested the authorities to consider his absorption as a regular employee and for pay parity with permanent employees serving in the post of Technical Assistant 'C'. The respondent authorities, having failed to consider his representation, and, being

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aggrieved, the applicant has approached this Tribunal praying for the aforementioned relief.

Ld. Counsel for the applicant would urge that a direction be issued on the respondent authorities to dispose of his representation in a time bound manner.

4. Ld. Counsel for the respondents would not object if the representation is directed to be disposed of in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would hereby direct the competent respondent authority to examine the contents of the representation at Annexure A-6 to the O.A., if received, within a period of six weeks from the date of receipt of a copy of this order. The said authority shall decide in accordance with law and convey his decision in the form of a reasoned and speaking order to the applicant forthwith thereafter.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP