

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/1097/2021

Date of Order: 02.08.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Achintya Bardhan, son of Late Pran Kumar Bardhan of 4/90, Mahajati Nagar, North Station Road, near Ashutosh Sweets, P.O. Agarpara, District - North 24-Parganas, PIN-700109. P.S. Khardaha, temporary Works as an Accountant posting A duty at temporary attachment deputation RPAO (CRPF) MHA, Kolkata, CGO Complex, MSO building, DF Block, 3rd floor, Salt Lake City, Kolkata-700064.

....Applicant

-Versus



1. Union of India service through the Secretary Department of Expenditure, Ministry of Finance having office at North 110001. Block, New Delhi
2. The Union of India service through the Secretary, Ministry of Home Affairs, having office at North 110001. Block, New Delhi
3. The Joint Secretary (Police-II Division), Ministry of Home Affairs, North Block, New Delhi 110 001.
4. The Controller General of Accounts, Ministry of Finance, Department of Expenditure, Mahalekha Niyantak Bhawan, GPO Complex, E-Block, INA, New Delhi-110 001.
5. The Principal Chief Controller of Accounts (Home) having office at open Galary, Room No. 7 Major Dhyan Chand National Stadium, India Gate, New Delhi 110002.
6. The Joint Controller General of Accounts (HR) having office at Mahalekha Niyantak Bhawan, GPO Complex, E Block, INA, New Delhi-110023.
7. The Controller of Accounts (Home) having office at Office of the Principal Chief Controller of Accounts, Ministry of Home Affairs. Room No. 6, 2nd floor, Open Gallery, Major Dhyan Chand National Stadium, India Gate, New Delhi-110002.
8. The Senior Accounts Officer (Admn.) Principal Account Office (CRPF) Ministry of Home Affairs, Open Gallery, MDC National Stadium, Hall No.6, New Delhi 110002.
9. The Section Officer (Police-II division), Ministry of Home Affairs, North Block, New Delhi 110 002.
10. The Director General, Central Industrial Security Force Office of the Directorate General, C.I.S.F., Affairs, Ministry of Home Block No. 13, CGO Complex Lodhi road, New Delhi 110 003.
11. The Asstt. Inspector General (Estt.) C.I.S.F., Directorate Ministry General Home of Affairs, 13, CGO Complex, Lodhi Road, New Delhi-110003.

12. The Deputy Controller of Accounts, Regional Pay and Accounts Office (CISF), 3rd MSO Building, DF Block, 2nd floor, Salt Lake City, Kolkata 700064.

13. The Senior Accounts Officer, Regional Pay and Accounts Office (CISF), M.H.A. Kolkata, 3rd MSO Building, DF Block, 2nd floor, Salt Lake City, Kolkata 700064.

14. The Senior Accounts Officer (Admn.) Principal Accounts Office (Admn.) Ministry of Home Affairs, Room No. 6, Open Gallery, Major Dhyan Chand National Stadium, India Gate, New Delhi 110 002.

..Respondent

For The Applicant(s): Mr. A. K. Banerjee, counsel
Ms. A. Ghosh, counsel

For The Respondent(s): None

O R D E R (O R A L)



Per: Ms. Bidisha Banerjee, Member (J):

This matter is taken up by Single Bench in view of the revised list dated 04.04.2000 issued under Sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985 and as no complicated question of law is involved this matter is taken up for disposal at the admission stage.

2. Affidavit of service is taken on record. Heard 1d. Counsel for the applicant. Despite service, none appears on behalf of the respondents. Rule 16(1) of CAT (Procedure) Rules 1987 is invoked to pass appropriate order.

3. This application has been preferred to seek the following reliefs

"i) Leave may be granted to file and move this application by the applicant urgently.

ii) To direct the respondents and each of them to forbear from giving effect to and/or further effect to and/or rescind, recall, set aside and cancel the letter bearing memo no. by the office of C.G.A. of A-11020/1/2019/255 dated 21.02.2020 which is (Annexure A-14) issued by the Sr. Accounts Officer (Admn.) (Para (iv) of Annexure A-14 and the office memorandum bearing memo no.200/22(B)/ 1/Pr.A.O(Admn.)/MHA 2020-21/11135-43 dated 29.12.2020 (Annexure -S) which is issued by Sr. Accounts Officer (Admn.) will be given effect and allow the applicant for permanent absorption from deputationist accountant and memo dated 16.07.2021 being No.10, 64/DEP/Acct/Pr.AO/Admn/MHA/ 02/2021/1463-73 and also memo dated 16.07.2021 issued by RPAO, CISF, MHA, Kolkata Office.

(iii) To direct the respondents is the authorities of CGA and each of them to extend the period of deputation of the applicant as Accountant in CCAS Cadre for the 6th and 7th year forthwith accordance with law and also as per guideline (Annexure-24).

- iv) To direct the respondents and each of them to forward the names of the applicants as the illegible deputationist to the appropriate and competent authorities for permanent absorption as Accountant in CCAS Cadre forthwith in accordance with law.
- v) Costs and incidentals.
- vi) to pass each further orders, direction or directions or his Lordship may deem fit and proper."

4. The brief facts of the case are as under:

Applicant was appointed in the CISF under the M.H.A. in the year of 1994. Subsequently, on his selection for deputation, he was posted in the office of the Deputy Controller of Accounts, Regional Pay and accounts (CISF) M.H.A., Kolkata w.e.f 30.11.2015 as Accountant. The authority concerned extended his deputation as Accountant for the period from time to time, i.e. from 3 to 4 years, 4 to 5 years, 5 to 6 years but thereafter no extension order has been issued. Ld. Counsel for the applicant submits that there is a provision of extension till 7th year. But the authorities have not followed the said guideline till date.

For permanent absorption as an Accountant a memo dated 14.08.2019 was issued. Ld. Counsel for the applicant submits that despite an NOC from the Ministry of Home Affairs, applicant has not yet been absorbed. Hence, this application.

5. At hearing, Id. Counsel for the applicant would submit that the applicant had preferred representation dated 07.07.2021 to the respondent authorities but the same is pending consideration and that he would be fairly satisfied if a direction is issued to the competent authority to consider the representation in a time bound manner.

6. Since an innocuous prayer has been made and since the representation is pending consideration with the respondents, and as no fruitful purpose would be served by calling for a reply in this matter, unless the representation is decided by the competent authority, I dispose of the OA with a direction upon

the competent authority to consider the representation, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 6 weeks from the date of receipt of copy of this order.

In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

7. Respondents while considering the representation shall consider the Screening Committee Report where 14 persons have been mentioned and No Objection Certificate in regard to those persons have been given while the applicant languish. Till such time let one post as mentioned in the Interim Relief be kept vacant till the disposal of the representation.

8. It is made clear that I have not entered into the merit of this matter and therefore, all points are kept open for consideration.

9. O.A accordingly stands disposed of. No costs.

(Bidisha Banerjee)
Member (J)

ss

