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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA.

O.A. No. 350/ 1153 of 2019

In the matter of:

Bhutaram Majhi, son of Joyram
Majhi, aged about 58 years,
Working as Asst. Admin Officer
under CWE(AF)/Kalaikunda,
residing at Qtr No. 6/4, Subrato
Vihar, Kalaikunda Air Force
Station, P.O.-Kalaikunda Air
Field, District-Paschim
Medinipore-721303, West Bengal.

... Applicant/Petitioner.

-Versus-

1. Union of India, service
through the Secretary, Ministry
of Defence, New Delhi-110011.
2. The Engineer-in-Chief's
Branch, HQ Military Engineer

Services, Kashmir House, Rajaji

Marg, New Delhi-110011.

3. The Jt. Directorate General,

(Dir & Vig). Engineer-in-Chief's

Branch, Integrated HQ of MoD

(Army), Kashmir House, Rajaji

Marg, New Delhi-110011.

4. The Additional Directorate

General, (NEI), Military Engineer

Services, HQ CCE (army) No. 3,

Narangi, Guwahati, Assam-

900328.

5. The Chief Engineer,

Headquarters, Eastern Command.

Kolkata, Engineers Branch, Fort

William, Kolkata-700021.

6. The Chief Engineer (AF),

Shilong Zone, Shillong, Elephant

Falls Camp, Shillong-793009.

7. The Commander Works

Engineer, Military Engineer

Services, HQ Commander Works
Engineer (AF), Post-Kalaikunda
Air Field, District-Paschim
Medinipore, Near Kharagpur,
West Bengal, Pin Code-721303.

... Respondents.

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1153/2019

Date of Order: 25.01.2021

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

BHUTARAM MAJHI
Vs
M/O DEFENCE

For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For The Respondent(s): Ms. D. Nag, counsel

ORDER (ORAL)

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

Heard ld. Counsel for both parties.

2. The applicant in this O.A has sought for the following reliefs:

- "a) Charge Memorandum being No. 131213/(AF) Shg/BM/17/Engrs/E1 Con dated 21.02.2018 issued by the respondent No. 5 is not tenable in the eye of law and as such the same may be quashed.
- b) An order do issue directing the respondents to extend the benefit of promotion in favour of the petitioner to the post of AO Grade-II under the respondents with effect from the date his juniors were promoted along with all consequential benefits at an early date.
- c) Costs and Incidentals.
- d) Such further order/orders and/or direction/directions as your Lordships deem fit and proper."

3. Ld. Counsel for the applicant, at hearing, would place an order dated 05.03.2020, which shows that the applicant had been exonerated from all the charges framed with chargesheet dated 21.02.2018.

4. Ld. Counsel for the applicant would submit that the applicant had also prayed for consequential benefits for promotion since upon his exoneration by the authorities he is entitled to be promoted from the date his juniors have

(8)

been promoted, as such. In regard to that, he would place DOPT Circular dated 10.04.1989 which refers to the following:

"If the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover and with reference to the date of promotion of his next junior in the select panel. The official will be promoted, if necessary, by reverting the juniormost officiating person. His promotion will, however, be effective notionally from the date his next junior was promoted."

5. Ld. Counsel for the respondents suggests that the applicant may prefer a representation to the authorities to seek benefit of such DOPT circular.

6. Accordingly, we dispose of the O.A with liberty to the applicant to prefer comprehensive representation citing DOPT Circular, supra, within a period of 2 weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the competent authority shall consider the prayer in the light of the DOPT circular, supra, and issue appropriate order in accordance with law, within a further period of 8 weeks. In the event the applicant is entitled to the reliefs sought for, the same shall be granted in terms of the DOPT circular, within the said period.

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



(Nandita Chatterjee)
Member (A)



(Bidisha Banerjee)
Member (J)

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