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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00399 of 2015
Cuttack, this the 8th day of July, 2015

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**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

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Banabihari Kata,
aged about 48 years,
Son of Late Nakul Kata,
A permanent resident of Village: Jamgaon,
PO- Bargam, Via- Duajhar, PS- Boden, Dist- Nuapada,
At present working as Head Havildar,
Central Excise Customs and Service Tax,
Bolangir Range, Sambalpur-II Division, Bolangir,
Rajendra College Chhak, Bolangir-2.

.....Applicant

Advocate(s).....Mr. D.K.Mohanty

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Union of India represented through

1. Secretary,
Govt. of India, Ministry of Finance,
Department of Revenue, New Delhi.
2. Chief Commissioner,
Central Excise & Customs,
Orissa, Bhubaneswar Zone, Bhubaneswar.
3. Commissioner,
Central Excise & Customs and Service Tax,
Orissa, Bhubaneswar-I Commissionerate,
GR Building, Rajaswa Vihar, Bhubaneswar-751007.
4. Commissioner,
Central Excise Customs and Service Tax,
Orissa, Bhubaneswar-II Commissionerate,
GR Building, Rajaswa Vihar, Bhubaneswar-751007.
5. Superintendent,
Central Excise Customs and Service Tax,
Bolangir Range, Sambalpur-II Division,
Rajendra College Chhak, Bolangir.

..... Respondents

Advocate(s).....Mr. G.R.Verma

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O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicant, and Mr. G.R.Verma, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i) To direct the Respondents to hold the DPC for the sanctioned 38 post of LDC as per Annexure-A/7 and give appointment to the said post to the applicant.

(ii) To pass any other order.....”

3. The case of the applicant in nutshell is that he joined the Respondents' Department as Sepoy on 01.08.1991 in Cuttack Division and, subsequently, transferred to Sambalpur II Division. On 09.09.2002, Recruitment Rules for the post of Lower Division Clerk came into force. He appeared in the Departmental Qualifying Examination held for the post of LDC on 19.12.2002 and qualified, result of which was declared on 04.03.2003. However, due to want of vacancy, he was not promoted to the post of LDC. The grievance of the applicant is that though rule provides that excess number of employees shall be considered for filing up the vacancies arising in the subsequent years and some of the qualified candidates were also promoted by convening DPC held on 19.05.2009 but he was informed by the Respondents vide communication dated 13.12.2013(Annexure-A/6) that he is empanelled at Sl. No.11 in the exam merit list and his name will be considered after the names of empanelled officers above him are released.



Mr. Mohanty, Ld. Counsel for the applicant, submitted that a letter dated 25.11.2014 vide Annexure-A/7 has been issued for convening DPC for considering promotion against 38 vacancies of LDC, for which the applicant has made representation vide Annexure-A/8 series on 02.12.2014 and 7.1.2015 respectively for his promotion to LDC but till date no response has been communicated to the applicant.

4. In view of the above, since the representations of the applicant are stated to be pending, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representations vide Annexure-A/8 series, if the same have been preferred by the applicant and are still pending consideration, keeping in mind Annexure-A/7 with a well reasoned order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order. However, the points raised by the applicant in his representations are kept open for the authorities to consider the same as per the rules and regulations in force. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of six months to grant the said relief. If in the meantime the representations have already been disposed of then result thereof be communicated to the applicant within a period of two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



6. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 13.07.2015. Free copy of this order be given to Mr. Verma, Ld. ACGSC, after filing of his power.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

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