

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O. A. No. 260/00858 OF 2015

Cuttack, this the 23<sup>rd</sup> day of December, 2015

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

**HON'BLE MR. R.C. MISRA, MEMBER (A)**

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Pramod Kumar Mallik, aged about 47 years S/o Late Devaraj Mallik, At/PO- Patapur, Dist-Cuttack, Presently serving as Junior Statistical Officer, National Sample Survey Office (Field Operation Division) Acharya Vihar, Commercial Complex, Bhubaneswar.

**....Applicant**

(By the Advocate- M/s. J. Sengupta, D.K. Panda, G. Sinha)

-VERSUS-

**Union of India Represented through**

1. Secretary to Government, Ministry of Statistics & Programme Implementation, Sardar Patel Bhawan, Sansad Marg, New Delhi-110001.
2. Additional Director Gneral , National Sample Survey Office (Field Operation Division), Government of India, R.K. Puram, New Delhi.
3. Deputy Director Gneral, National Sample Survey Office, Acharya Vihar, Bhubaneswar-751013.
4. Senior Statistical Officer and Head of Office, National Sample Survey Office, Acharya Vihar, Bhubaneswar-751013.

**....Respondents**

By the Advocate-Mr. J.K. Nayak

**ORDER (Oral)**

**A. K.PATNAIK, MEMBER (J):**

Heard Mr. J. Sengupta, Ld. Counsel appearing for the Applicant and Mr. J.K. Nayak, Ld. ACGSC, 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 with a prayer to quash the order passed by the Respondent No.4 on 25.06.2015 in reverting the applicant from Senior Statical Officer to Junior Statical Officer (Annexure-A/6) and direct the Respondents No.3 & 4 to allow the applicant to continue as Senior Statical Officer and pay the consequential financial benefits.

3. Mr. Sengupta, Ld. Counsel submitted that on 12.02.2015 a final seniority list of Junior Statical Officer (Staistical Investigator Grade -II) Subordinate Statical Service was finalized and published in which the name of the applicant has found place at Sl. No.675. While the matter stood



thus a Departmental Promotion Committee was convened and consequent upon the acceptance of the recommendations of DPC, on 06.04.2015 an order was issued in promoting the Junior Statistical Officers (Non-Gazetted) to the rank of Senior Statistical Officers (Gazetted) of Subordinate Statistical Service (SSS). In pursuance of the said DPC, on 08.04.2015 a list containing the names of the persons, who did not figure in the order of promotion was published stating that due to non-availability of APAR, their cases were not considered. In this list also the name of the applicant did not find place. Thereafter, another Office Memorandum was issued in mentioning the name of the persons whose cases were not taken up by the earlier DPC due to nonavailability of their CCRS. In this list also the name of the applicant did not figure. On 16.04.2015 posting orders were issued in favour of the incumbent promoted vide order dated 06.04.15 and it was further made clear that adhoc promotions of SSOs (erstwhile investigators Grade-I) of SSS made till date would be treated as cancelled with immediate effect. After the posting orders were issued in favour of the persons who got promoted, all on a sudden the Respondent No.4 issued an order 25.06.2015 in cancelling the promotion of the applicant. Being aggrieved by such action of the Respondents the applicant made a representation dated 30.06.2015 (Annexure-A/7) followed by an appeal dated 24.07.2015 (Annexure-A/8), which was rejected on 13.08.2015 (Annexure-A/9) by Respondent No.4. While the matter stood thus, again on 25.08.2015 the Respondent No.1 issued a clarification in which it was informed that the applicant and the similarly situated persons are not to be reverted. But before the said clarification was issued on 25.08.2015 Respondent No.4 passed the order rejecting the prayer of the applicant and cancelled the adhoc promotion granted to him as his name does not figure in the promotion list of 06.04.2015. On being confronted with the question whether after such clarification was issued by Respondent No.1 the applicant had brought the same to the notice of Respondent No.4 who has reverted him, Mr. Sengupta submitted that applicant has not filed any such representation after clarification dated 25.08.2015 issued by Respondent No.1.

4. On the other hand, Mr. Nayak, L.d Counsel for the Respondents submitted that no such representation was submitted by the applicant to Respondent No.1. Though his representation is pending for

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adjudication before the Respondent No.4 but he is incompetent to do so. Therefore, we are of the considered view that at first instance the applicant should have approached the Respondents, particularly, Respondent No.1 after such development. While giving liberty to the applicant to make a representation to Respondent No.1 with all the points which has already been rasied in the O.A. within a period of one month, Respondent No.1 is directed to consider the same as per rules within a period of three months from the date of receipt of such representation. We make it clear that till then the order dated 25.06.2015 (Annexure-A/6) so far as the applicant is concerned will not be given effect to and no further coercive action will be taken against the applicant. The applicant is granted liberty of this Tribunal to annex the copy of this order along with the representation.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. J. Sengupta, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.1 by Speed Post for which Mr. Sengupta undertakes to file the postal requisites by 04.01.2016.

  
(R.C.MISRA)  
MEMBER (A)

  
(A.K.PATNAIK)  
MEMBER(J)