

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00073 OF 2016
Cuttack, this the 14th day of March, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

.....

Gokul Charan Swain,
aged about 54 years,
son of Late Jagabandhu Swain,
at present working as Head Clerk I/C,
CDPO (ER), Bhubaneswar, 751012,
residing at Qr. No. Type-II/1, CDPO Campus,
Nayapalli, Bhubaneswar.

.....Applicant

By the Advocate(s)-Mr. S.B. Jena.

-Versus-

1. Union of India, represented through its Secretary, Ministry of Agriculture, Department of Animal Husbandry, Dairying and Fisheries, Krishi Bhawan, New Delhi.
2. Deputy Secretary, Admn.III(P), Ministry of Agriculture, Govt. of India, Department of A.H. , Dairying and Fisheries, Krishi Bhawan, New Delhi.
3. Director, Central Poultry Development Organization (ER), Bhubaneswar, 751012.



....Respondents

By the Advocate(s)- Mr. S.B. Mohanty

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

The case of the applicant in a nutshell is that he had joined in the O/o of the Director, Central Poultry Development Organization, Bhubaneswar, as LDC on 15.12.1995. Subsequently, on completion of 12 years regular service, he was granted the benefit of ACP on 14.12.2007. It has been stated that the applicant has been officiating the duties of Head Clerk since 01.04.2014 as per the order dated 29.03.2014 (Annexure-A/2). However, he

was regularly promoted as UDC in the said office on 08.09.2014 (Annexure-A/4). According to Ld. Counsel for the applicant, since the applicant was officiating in the post of Head Clerk, he submitted a representation to Respondent No. 3 on 13.07.2015 vide Annexure-A/11 for granting regular promotion in the said post. Vide letter dated 15.9.2015(Annexure-A/12), applicant has been intimated that for consideration of promotion to the post of Head Clerk, the Departmental Promotion Committee had been convened on 01.09.2015 and the proceedings along with copy of Service Book and last Five years CRs have already been forwarded to the Ministry for approval of the competent authority and immediately after obtaining the approval, he would be promoted to the post of Head Clerk in the scale of Rs. 9300-34800/- with Grade Pay Rs. 4200/-.

2. When the matter was taken up by this Bench on 10.02.2016 and 24.02.2016, on the prayer made by Mr. S.B.Mohanty, Ld. ACGSC, time to obtain instructions regarding the present status of the applicant's promotion to the grade of Head Clerk was granted.

3. We have heard Mr. S.B. Jena, Ld. Counsel for the applicant, and Mr. S.B. Mohanty, Ld. ACGSC for the respondents, and have perused the materials placed on record.


4. Since, as per the letter dated 15.09.2015 the case of the applicant for promotion to the post of Head Clerk is under consideration by the competent authority and it has been conceded that after obtaining the approval he will be promoted to the post of Head Clerk, at this stage, we are not inclined to keep the matter pending. Accordingly, without expressing any opinion on the merit of the matter, we would direct Respondent No.3 to consider and dispose



of the representation of the applicant as at Annexure-A/11, taking into account the letter dated 15.09.2015 (Annexure-A/12), and pass a reasoned and speaking order within a period of 30 days from the date of receipt of this order. It is made clear that 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 three months from the date of such consideration to extend the same to the applicant. If in the meantime time said representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of this order.

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

6. Copy of this order be given to the Ld. Counsels for both the sides.


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


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

RK