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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00670 OF 2016
Cuttack, this the 28th day of September, 2016

CORAM

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

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Kartik Chandra Das, aged about 62 years, son of Late Alekh Charan Das, permanent resident of Village: Jagannathpur/PO. Balikuda, Dist. Jagatsingpur and at present retired Staff Car Driver Grade-I in MSME Development Institute, Vikash Sadan, College Square, Cuttack-753003..
.....Applicant

By the Advocate(s)- M/s. B.C. Pradhan, S.P. Mohanty,
-Versus-

Union of India, represented through

1. Secretary, Ministry of MSME, Nirman Bhawan, New Delhi-110011.
2. Director, MSME Development Institute, Patalaiputra Industrial Estate, Patna, Bihar-800013 (Cadre controlling authority for promotion of Driver of Eastern Region)
3. Director, MSME, Development Institute, Vikash Sadan, College Square, Cuttack-753003.

.....Respondents

By the Advocate(s)- Mr. J. K. Nayak

ORDER (Oral)

R.C.MISRA, MEMBER(A):

Heard Mr. S.K. Das, Ld. Proxy Counsel on behalf of Mr. B.C. Pradhan, Ld. Counsel for the applicant and perused the materials placed on record.

2. Mr. Das submitted that the applicant is a retired Staff Car Driver Grade-I in MSME, Development Institute, Cuttack. The applicant was appointed as an Ordinary Grade-Driver on 09.03.1983 and he was retired on 31.05.2015 on attaining the age of superannuation. The Ministry of Personnel, Govt. of India has brought out a notification dated 30.11.1993 in respect of the promotion of Staff Car Drivers. According to this provision there are three Grades of Drivers i.e. Staff Car Drivers Ordinary Grade, Staff Car Drivers Grade-II and Staff Car Drivers Grade-I. The applicant in pursuance of the promotion scheme was placed as Driver Grade-II and Driver Grade-I w.e.f.



08.11.1996 and 09.03.1998 respectively. Vide O.M. dated 15.02.2001 a new Grade of Staff Car Drivers to be called "Special Grade" was introduced in the Pay Scale of Rs.5000-8000/- w.e.f. 08.11.1996. The applicant made a representation to the Director SISI, Cuttack on 26.05.2003 praying for promotion to the "Special Grade" on the ground that he had completed three years ^{of} regular service in the post of Driver Grade-I by the year 2001. He made another representation to the same authority on 02.07.2005. According to the record produce before us he has made several representations to the concerned authorities and finally on 28.03.2016 he made a representation to the Development Commissioner, MSME, New Delhi by serving a copy of the said representation to the Director, MSME, Development Institute, Vikash Sadan, College Square, Cuttack. We noticed that although he has given representation to the Development Commissioner, the same authority has not been impleaded as party respondent in this OA. However, he has given a copy of the representation to the Director, MSME, Development Institute, Vikash Sadan, College Square, Cuttack (Respondent No.3) with a request ^{take} to appropriate steps in the matter so as to extend him the promotional benefits as prayed for in his representations.

3. Taking into account the submissions of Ld. Counsel for both the sides, since the representation is said to be pending at the level of Respondents-Department we do not feel inclined to issue notice in this matter. In view of this, at the stage of admission, without expressing any opinion on the merit of the matter, we dispose of this O.A. by directing Respondent No.1 to consider and dispose of the representation dated 28.03.2016 (Annexure-A/6) preferred by the applicant to the Development Commissioner, MSME, New



Delhi in accordance with the rules and instructions if it has been received and is still pending at his level with a reasoned and speaking order and communicate the decision thereon to the applicant within a period of 90 (Ninety) days from the date of receipt of this order.

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

5. On the prayer made by Mr. S.K. Das, Ld. Counsel appearing for the applicant copy of this order along with paper book of O.A. be sent to Respondent Nos.1 & 3 at the cost of the applicant for which Mr. Das, undertakes to file the postal requisites by 03.10.2016.

6. Free copy of this order be made over to learned counsel for both the sides.


(S.K.PATNAIK)
MEMBER (J)


(R.C.MISRA)
MEMBER(A)