

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 632 OF 2013

Cuttack, this the 24th day of September, 2013

CORAM

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

.....
1. Bibhuti Bhusan Hemrom,
aged about 53 years,
Son of Late Prabhu Sahay Hemrom,
At House No. 819, Sector-3,
Nidhi Vihar, Bhubaneswar,
Dist- Khurda-21.

2. Anupam Kumar Dey,
aged about 46 years,
Son of S.K.Dey,
At Plot No. 89, Acharya Vihar,
Bhubaneswar, Dist- Khurda.

3. Sekhar Chandra Majumdar,
aged about 54 years,
Son of Sailesh Chandra Majumdar,
Resident of 33, Forest Park,
Second Floor, Bhubaneswar,
Dist- Khurda.

(All are at present working as Technical Officer (S&R)
under the Assistant Regional Director, Quality Control
Cell, Department of Food & Public Distribution, 33,
Forest Park, At/PO. Bhubaneswar, Dist- Khurda.)

.....Applicants

Advocate(s) M/s. B.S.Tripathy, M.K.Rath, J.Pati, Mrs. M.Bhagat.

VERSUS

Union of India represented through

1. The Secretary,
Dept. of Food & Public Distribution,
Ministry of Consumer Affairs,
Krishi Bhawan, New Delhi-110001.

Alles

2. The Secretary,
Union Public Service Commission,
Dholpur House, Sahajahan Road,
New Delhi.
3. The Asst. Regional Director (S&R),
Quality Control Cell,
Department of Food & Public Distribution,
At-33, Forest Park, At/PO. Bhubaneswar,
Dist- Khurda.

..... Respondents

Advocate(s)..... Mr. U.B.Mohapatra
.....

ORDER (ORAL)

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

On M.A. No. 640/13

Having heard Mr. B.S.Tripathy, Ld. Counsel for the applicants, and Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, prayer made in the M.A. No. 640/13 seeking permission to prosecute this O.A. jointly is allowed. M.A. is, accordingly, disposed of.

On O.A. 632 of 2013

2. Three applicants, who are continuing as Technical Officer (S&R) under the Assistant Regional Director, Quality Control Cell, Department of Food & Public Distribution, Bhubaneswar, have filed this O.A. jointly challenging the Advertisement No. 10/13 published by the UPSC inviting application from the intending candidates to fill up 7 number of vacancies for the post of Assistant Director (S&R) in the Department of Food and Public Distribution on the ground that due to ban on recruitment/



8

promotion in S&R Division, there was no recruitment/promotion to the post of Assistant Director since 1996 and hence many technical officers have been working in the same capacity till now since they entered into the service. Second ground of their challenge is that due to non-availability of new Recruitment Rules, two Technical officers (S&R) were promoted to the post of Asst. Director (S&R) on ad hoc basis in the year 2009 and 9 Technical Officer (S&R) in the year 2009, 4 Technical Officers (S&R) in the year 2010 and 8 Technical Officers in the year 2011, ^{out} ~~Out~~ of which, most of the ad hoc Asst. Directors retired without being regularized and recently, 7 Assistant Directors were reverted to the post of Technical Officer. In the meantime, Ministry has prepared the new Recruitment Rules, which ^{have} ~~has~~ been approved by the DOPT and pending with the UPSC for approval since 01.07.2013 but ^{the} ~~he~~ UPSC has issued the instant advertisement, as a result of which they are deprived of their promotional aspect as they have crossed the age limit to compete along with others in a process for direct recruitment. It is the further case of the applicants that they have already made representation to the Secretary, Department of Food & Public Distribution, Krishi Bhavan, New Delhi on 23.08.2013 but till date they have not received any communication and on the other hand if the process of recruitment is completed in the meantime, then their interest will be seriously jeopardized.

3. Heard Mr. B.S.Tripathy, Ld. Counsel for the applicant, and Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

4. At the outset, Mr. Tripathy submitted that he will be satisfied if

W. S. S.

9

a direction is issued to the Respondents to consider the pending representations of the applicants and communicate the result thereof before filling up of the posts as advertised. Mr. Mohapatra, on the other hand, objected to the prayer of Mr. Tripathy on the ground that it is not known whether the consideration of the representations would be in favour of the applicants or not but if the process of the advertisement is stalled then the public work will suffer.

5. Considering the aforesaid submission of Ld. Counsel for both the sides, without expressing any opinion on the merit of the case, we dispose of this O.A. at the Admission Stage, directing Respondent No.1, i.e. Secretary, Department of Food & Public Distribution, Krishi Bhavan, New Delhi to take a decision on the representation (if it has reached and ^{is} still pending) and communicate the result thereof to the applicant within a period of 60 days from the date of receipt of copy of this order.

6. With the aforesaid observation and direction, this O.A. stands disposed of.

7. Copy of this order along with O.A. be sent to Respondent No.1, i.e. Secretary, Department of Food & Public Distribution, Krishi Bhavan, New Delhi, for compliance at the cost of the applicant for which Ld. Counsel for the applicants will file postal requisites within 7 days.


MEMBER (Admn.)


MEMBER (Judl.)