

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.774 OF 2013
Cuttack the 6th day of January, 2014

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

Harish Chandra Das,
aged about 33 years, S/o. Mahendranath Das,
Working as Technical Officer-B (TO-B)
In Proof & Experiential Establishment,
Ministry of Defence, Chandipur-756025, Dist-Balasore.

...Applicant

(Advocates: M/s-B.P. Satapathy, B.N. Nayak, S. Pradhan)

VERSUS

Union of India Represented through

1. The Secretary, Ministry of Defence,
Dfence Research & Development Organisation,
New Delhi-110054.
2. Director General, R& D,
Dfence Research & Development Organisation,
Directorate of Human Resource Development,
DRDO Bhawan, Rajaji Marg,
New Delhi-110105.
3. Director, Proof & Experimental Establishment,
Ministry of Defence, Chandipur-756025, Dist-Balasore.
4. Ms. S. Sen.
5. Sri U.N. Giri
6. Sri R.D. Kundu

(Respondents No.4 to 6 are at present working as TO-C, under
Director, Proof & Experimental Establishment, Ministry of Defence,
Chandipur-756025, Dist-Balasore.)

... Respondents

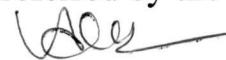
(Advocate: Mr.S.K.Patra)

Alor

ORDER(Oral)A.K. PATNAIK, MEMBER (J)

Heard Shri B.P.Satpathy, learned counsel for the applicant and Shri S.K.Patra, learned Addl.Central Govt. Standing Counsel, on whom a copy of this O.A. has been served, appearing for the Respondents and perused the materials on record.

2. In this Original Application under Section 19 of the A.T.Act, 1985, the applicant has challenged the order of promotion in respect of Respondent Nos. 4, 5 and 6 to the post of Technical Officer-C in Proof & Experimental Establishment, Chandipur issued vide order No.292 dated 12.09.2012. Shri Satpathy submitted that the applicant being aggrieved with the aforesaid promotion of Res.Nos. 4,5,6 has preferred a representation dated 26.9.2012 to the Director General, R & D, Defence Research & Development Organization(Res.No.2) stating therein that his case has not been considered in its proper perspective and based on the length of service (which he claims to be more than 28 years) compared to Res.Nos.5 and 6, viz., S/Shri U.N.Giri and R.D.Kundu as well as the assessment performance report of the Assessment Part-2012, he is entitled to be promoted to Technical Officer-C with effect from 1.9.2012. Shri Satpathy submitted that in response to representation preferred by the



applicant on 26.9.2012, although in the meantime, ~~almost~~ more than one ~~year~~ has elapsed, nothing has been communicated by Res.No.2.

3. On the other hand, Shri Patra, learned Addl.Central Govt. Standing Counsel has no immediate instructions if any such representation has been preferred by the applicant to Res.No.2 and if so, the status thereof.

4. Therefore, without entering into the merit of the case, we direct Respondent No.2 to consider if any such representation has been filed and is still pending with him, and communicate the decision thereon to the applicant by way of reasoned and speaking order within a period of sixty days from the date of receipt of this order. If during the course of such consideration, the applicant is found to be suitable/eligible for promotion from Technical Officer-B to Technical Officer-C, then expeditious steps be taken to promote him within a further period of sixty days. However, it is made clear that if in the meantime the aforesaid representation has been considered, the decision taken thereon be communicated to the applicant within a period of two weeks hence.

5. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself.



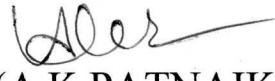
9

6. Send copy of this order to Respondent No.2 at the cost of the applicant for which Shri Satpathy undertakes to file the postal requisites by 8.1.2014..

7. Shri S.K.Patra, learned Addl.Central Govt. Standing Counsel accepts notice on behalf of the Respondents. Registry is directed to hand over notice to Shri Patra under Sub-Rule-4 of Rule-10 of CAT (Procedure) Rules, 1987.

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


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

BKS