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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 260/000068 OF 2014
Cuttack, this the 18th day of February, 2014

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

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Tul Bahadur,
Aged about 48 years,
Son of Late Dhan Bahadur,
At present working as Fitter General (MC),
Personal No. 6106, Ordnance Factory,
At/PO- Badmal, Dist- Bolangir.

.....Applicant

Advocate(s)... M/s. S.K.Ojha, S.K.Nayak,

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Union of India represented through

1. Secretary to Govt. of India,
Ministry of Defence (Production Unit),
Defence Head Quarters,
New Delhi-110001.
2. General Manager,,
Ordnance Factory,
At/PO- Badmal,
Dist- Bolangir-767770.
3. Jagdish Ch. Subudhi Ray,
Son of Sri Dasarathi Subudhi Ray,
Presently working as Fitter General,
Ordnance Factory, At/PO- Badmal, Dist- Bolangir.
4. Nabaghana Behera,
Son of late Iswar Behera,
Presently working as Fitter General,
Ordnance Factory, At/PO- Badmal, Dist- Bolangir.
5. M. Budek,
Presently working as Chargeman/Technical,
Ordnance Factory, At/PO- Badmal, Dist- Bolangir.

..... Respondents

Advocate(s)..... Mr. S. Barik



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ORDER (ORAL)

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

Copy of this OA has been served on Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing on behalf of Respondents, who accepts notice for Respondent Nos. 1 and 2 in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. S.K.Ojha, Learned Counsel for the Applicant, and Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing on behalf of Respondent Nos. 1 and 2, and perused the materials placed on record.

2. The instant O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant praying for a direction to Respondent No.2 to assign the date of promotion in Skilled & High Skilled grade on notional basis as has been granted to the Respondent Nos. 3 and 4 vide office order dated 03.12.2013 or to take steps to extend the benefits to the applicant on the basis of Expert Committee report under Annexure-A/4.

3. The case of the applicant, in gist, is that Respondent No. 2 vide order dated 03-12-2013 antedated the promotion of Respondent Nos. 2 and 3 ignoring the case of the applicant though he is senior to Respondent Nos.2 and 3. Mr. Ojha, Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has made a representation on 17.12.2013 to the competent authority i.e. Respondent No.2 but till date he has not received any reply thereon. On being asked, Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing on behalf of Respondent Nos. 1 and 2, has

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fairly submitted that he has no immediate instruction, if any such representation has been preferred by the applicant and if so the status thereof.

4. Since it is the positive case of the applicant that the representation preferred by him is still pending I find no justification to entertain this OA. Therefore, without entering into the merit of this case, we dispose of this O.A. at this admission stage by directing the Respondent No. 2 to consider and dispose of the said representation (if the same is received and is still pending) and communicate the result thereof in a well reasoned order to the applicant within a period of 60 days from the date of receipt of copy of this order. It is made clear that if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks from the date of receipt of copy of this order. No costs.

5. As prayed for by Mr. Ojha, copy of this order be sent to Respondent Nos. 1 and 2 by Speed Post at his cost, for which he undertakes to furnish the postal requisites in the registry by 21.02.2014.


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

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