

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 5 of 1996.

present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. PARITOSH DUTTA, JUDICIAL MEMBER.

ARUN KR. CHATTERJEE

VS.

UNION OF INDIA & O/Ps. (Telecom)

For Applicant : Mr. Samir Ghosh, Counsel.

For Respondents : Ms. Kanika Banerjee, Counsel.

Heard on : 2.1.1996.

Ordered on : 2.1.1996.

O R D E R

B.C.Sarma, AM.

1. The grievance raised in this application is about the inaction on the part of the respondents in not giving effect to the promotional benefit to the applicant who was found fit by the D.P.C. meeting held on 20.7.1994, while similar benefit has been accorded to his juniors.

2. Briefly stated the facts of the case are as follows :-

The applicant is a regular Accounts Officer belonging to the Indian P & T Accounts & Finance Service, Group 'B' Telephone Wing in the scale of Rs. 2375-3500/- and he was considered ^{and} found fit by the D.P.C. meeting held on 20.7.94 for promotion in the cadre of Senior Accounts Officer and, accordingly, an Office Order was issued on 13.9.95 in which the name of the applicant appears at Serial Number 23, earlier from January, 1995 the applicant was given ad-hoc promotion in the same post. Initially, the applicant was given ~~xx~~ ad-hoc promotion for 180 days and, thereafter, such promotion was extended for a further period of 6 months. However, the applicant was surprised to receive a Charge Memo

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dated 22.9.95 wherein, according to him, containing some unfounded and baseless allegations ~~and made~~ pertaining to a Supplier's Bill paid by the Accounts Officer (TS), Calcutta in October, 1987 and passed by the Controller of Telecom Stores, Calcutta, was raised against him. The applicant has submitted a representation against the non-granting of promotion on the basis of the D.P.C. recommendation on 6.12.95, wherein he has given the entire facts annexing the copy of the Judgment rendered by the Hon'ble Supreme Court in V. Janakiraman's case (reported in AIR 1991 SC 2010). This representation submitted by the applicant is yet to be disposed of. However, being aggrieved by the inaction on the part of the respondents, the instant application has been filed with the prayer that a direction be issued on the respondents to grant him promotion to the post of Senior Accounts Officer on the basis of the D.P.C. recommendation approved by the Government.

3. While the admission hearing of the matter was taken up today, Ms. K. Banerjee, 1d. Counsel appearing for the respondents, submitted that she did not have detailed instruction in the matter. However, Ms. Banerjee submitted that no Order regarding regular promotion in respect of the applicant has been issued and the applicant has been continuing only on ad-hoc basis in the promotional post. She, however, submits that since a representation has been filed by the applicant only on 6.12.95 and which is still to be disposed of, it would be appropriate if the representation is disposed of, ^{short} if any such direction is given by this Tribunal.

4. We have considered the submission of the learned Counsel for both the sides and perused records. In view of the submission made by Ms. Banerjee to which Mr. Ghosh ^{has} also agreed, the application is disposed of at the stage of admission itself with the direction that the respondents shall consider the representation filed by the applicant on 6.12.95 within a period of 2 months from the date of

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communication of this Order and the result of such consideration shall be communicated to the applicant within one month thereafter. The liberty is granted to the applicant to approach the Tribunal in case still he feels aggrieved by the action taken by the respondents. We further order that till the representation is considered and disposed of by the respondents and the result is communicated to the applicant, his ~~appointment~~ shall not be reverted from the promotional post which ~~the applicant~~ is holding as ad-hoc. We pass no order as to costs.

Paritosh Dutta
(P. Dutta)
Member (J)
2.1.96.


(B.C. Sarma)
Member (A)
2.1.96.