

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

T.A. No.77 of 1996
(C.R. 545(W)/80)

Present: Hon'ble Dr. B.C. Sarma, Administrative Member
Hon'ble Mr. D. Purakayastha, Judicial Member

KHAJA ABDUR RAZEQ
Son of Late Khaja Abdul Ghani,
residing at 11 Bal Mukund Macker Road
P.S. Jorasanko, Calcutta-7

.... Applicant

VS

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Education,
Department of Culture,
Shastri Bhavan,
New Delhi - 1

2. Director,
Anthropological Survey of India,
Indian Museum, New Building,
27, Jawharlal Nehru Road,
Calcutta-16

3. Dr. Pranab Ganguly,
Superintending Anthropologist,
Anthropological Survey of India,
Indian Museum, New Building,
27, Jawharlal Nehru Road,
Calcutta -16 :

.... Respondents

For the Applicant : Mr. S. K. Dutta, counsel

For the REspondents: None

Heard on 25.7.1997

: :

Date of order: 25.7.1997

O R D E R

B. C. Sarma, AM

The dispute raised in this application is about the denial of promotion of the applicant to the post of Deputy Director, Anthropological Survey of India, Calcutta from the date when he completed five years of service as Anthropologist. This application was originally filed as a writ petition in the High Court at Calcutta bearing C.R. No.545(W)/80. It has been transferred to this Tribunal and registered as T.A. 77 of 1996. The applicant contends that he had completed the requisite five years of service as Superintending Anthropologist on 7.10.78, but when the opportunity came for the purpose of promotion to the next higher grade of Dy. Director, he



was denied of such opportunity. The respondents have instead promoted respondent No.3 depriving the applicant to the post of Dy. Director.

2. When the matter was taken up today for hearing none appears for the respondents. We find that no reply was filed in the High Court. It is a very old matter pertaining to the year of 1980 and we have been given to understand that the applicant has since retired on attaining the age of superannuation some time in 1986. We are, therefore, of the view that no further adjournment needs be granted in this case and on the basis of submissions made by Mr. Dutta, learned counsel for the applicant, appropriate order needs to be passed without spending any more time on this issue. Mr. Dutta submits that the applicant had submitted a representation on this issue on 13.12.79. but that representation has not yet been disposed of.

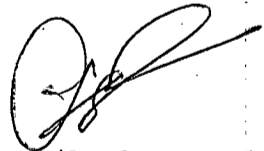
3. In view of the above the application is disposed of with the direction that the respondents shall treat the entire petition as a fresh representation and shall dispose it of within a period of four months from the date of communication of this order. If as a result of such consideration, the applicant is found fit for promotion appropriate order shall be passed by the respondents as per rules. If, however, the respondents take a decision to the effect that the applicant cannot be given any promotion, we direct *them* for passing a speaking order. No order is passed as regards costs.



(D. Purkayastha)

MEMBER (J)

25.7.1997



(B. C. Sarma)

MEMBER (A)

25.7.1997