

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.824 of 1996

Present : Hon'ble Mr. Justice R.N. Ray, Vice-Chairman

Hon'ble Mr. B.P. Singh, Administrative Member

GOPAL CHANDRA BHUNIA & ANR.

VS.

UNION OF INDIA & ORS.

For the applicants : Mr. S. Samanta, counsel

For the respondents : Ms. U. Dutta Sen, counsel

Heard on : 17.1.2001

Order on : 17.1.2001

O R D E R

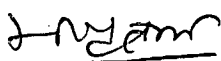
R.N. Ray, V.C.

Heard ld. counsels for both sides.

2. This O.A; has been filed by the applicants for direction upon the respondents to appoint them in Class-III(Group 'C') posts. ~~It has been contended~~ that the applicants are Class-IX passed and they performed the duties of Class-III post in the department for a pretty long time on casual basis. But they were not given absorption as per rules. Therefore, they have filed one O.A. before this Tribunal. There was direction of the Court upon the respondents to absorb the applicants since they were performing the duties in the department for a long time on casual basis. It appears that pursuant to the said order, they were already absorbed in the department in Group 'D' (Class-IV) posts. It has been contended by the ld: counsel for the applicants that the applicants should be absorbed in the of such posts on Group 'C' posts since they performed the duties/casual basis for a

considerable period of time. Ld. counsel for the respondents submitted that the applicants do ~~not~~ have the requisite qualification for being absorbed in the posts of Class-III since they ~~have~~ ^{passed} not School Final Examination, ~~passed~~ [✓]. They read upto Class-IX. Therefore, they could not be absorbed in Class-III(Group 'C') posts under the rules.

3. We do not want to comment on the aforesaid points at issue. We find that the court's order has been complied with and the applicants were absorbed in Group 'D' posts in the department. So, this O.A. has become infructuous. However, there is a provision under the extant rules that 15% posts of Class-III(Group 'C') ~~should~~ be filled up by promotion from Group 'D' posts(Class-IV) under the promotional quota. Since the rule is very clear in this regard, we hold that the applicants may be considered for promotional posts of Group 'C'(Class-III) if they have the requisite qualification and if it is permissible under the extant rules. With this observation, the O.A. is finally disposed of. No order is passed as to costs.


MEMBER(A)


VICE-CHAIRMAN

S.M.