

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 1156 of 1996.

Date of Order : 03.11.2003.

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member
Hon'ble Mr. N. D. Dayal, Administrative Member

Chandan Kumar Das

VS.

Union of India & Ors.

For the applicant : Mr. Samir Kr. Ghosh, counsel

For the respondents : Ms. U. Sanyal, counsel.

O R D E R

MR. NITYANANDA PRUSTY, J.M.:

The applicant who was working as Helper in the T.V. Relay Centre, Malda under Assistant Engineer, Doordarshan, Calcutta, has filed the present application for a direction to the respondents to cancel, withdraw and/or rescind the purported Memo. dated 25.07.1996 contained in Annexure-G to the O.A., rejecting the representation of the applicant under Annexure-F and further prayed for a direction to the respondents to give him appointment in the post of Technician, Doordarshan, in extension of the benefit of the order and judgment dated 24.4.1996 passed in O.A. No. 1089 of 1992 of this Tribunal.

2. Heard Mr. S.K. Ghosh, 1d. counsel for the applicant and Ms. U. Sanyal, 1d. counsel for the departmental respondents. We have gone through the O.A. and reply. No rejoinder has been filed.
3. During the course of hearing, Mr. S.K. Ghosh, 1d. counsel for the applicant brought to our notice communication dated 25.07.1996 (annexure-G), whereby the Administrative Officer has intimated the Assistant Engineer, T.V. Relay Centre,

Malda that "applicant's case could only be considered when the recruitment will take place as per revised recruitment Rules". This intimation was sent to the Assistant Engineer in response to the representation of the applicant dated 19.06.1996 under annexure-'F' to the O.A.. Ld. counsel for the applicant submits that the applicant filed the above representation mainly for extending the benefit of the order dated 24.4.1996 passed in O.A. No. 1089 of 1992 as he is also similarly situated person. But the respondent authorities have not properly considered the representation keeping in view the decision of this Tribunal. The so called intimation/letter dated 25.07.1996(annexure-'G') also does not indicate anything regarding consideration of his representation to that effect. Ld. counsel for the applicant further submits that the applicant shall be fully satisfied if his representation dated 19.06.1996 under annexure-F to the O.A. is properly considered by the respondent authorities keeping in view/taking into consideration of the order/judgment dated 24.04.1996 passed in O.A. 1089 of 1992 within a stipulated period by passing a reasoned and speaking order.

4. When this matter was brought to the notice of Ms.U.Sanyal, Ld. counsel for the departmental respondents, she fairly submits that annexure-'G' to the O.A. i.e. communication dated 25.07.1996 does not indicate anything as to whether the applicant's representation was considered and disposed of or not, by the competent authority keeping in view the observation/direction of this Tribunal in its order dated 24.4.1996 in O.A. No. 1089 of 1992. Ms. Sanyal, Ld. counsel further submits that presently the applicant is working in Darjeeling Doordarshan Maintenance Centre at Darjeeling and the concerned authorities of Darjeeling have not made party in this O.A. and to this in reply the Ld. counsel for

the applicant submits that when this O.A. was filed there was no existence of Doordarshan Centre at Darjeeling. In that view of the matter there was no necessity for making them as a party in this O.A. when it was filed and also Darjeeling Doordarshan comes under the Director of Calcutta.

5. Considering the above submission of the ld. counsel for both the parties, we are of the considered opinion that the respondent authorities have not properly considered the representation of the applicant under annexure-'F' to the O.A. keeping in view the decision of this Tribunal dated 24.4.1996 passed in O.A. No. 1089 of 1992 on which the applicant is mainly banks upon. The communication dated 25.07.1996 also does not whisper anything regarding the consideration of the representation of the applicant taking into consideration of the above decision of the Tribunal.

6. In view of the observations made above the O.A. is allowed and the respondent authorities, more particularly, respondent no.03 are/is directed to consider the representation of the applicant dated 19.06.1996(Annexure-F) treating this O.A. as a part thereof, keeping in view the order/judgment dated 24.4.1996 passed in O.A. No. 1089 of 1992, and pass a reasoned/speaking order within a period of 02 months from the date of communication of this order and communicate the decision to the applicant within 02 weeks thereafter and in case the decision goes in favour of the applicant then to extend all the consequential benefits within a period of one months from the date of the order.

7. It is made clear that in case there is a separate Director Doordarshan at Darjeeling where the applicant is presently working then the applicant's representation along with all documents shall be forwarded to him by the respondent no.03, who shall consider the representation of the applicant