

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.1225/1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G.S. Maingi, Administrative Member

AZIZ KUJUR

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. Samir Ghosh, counsel

For the respondents : Mr. P. Chatterjee, counsel

Heard on : 25.08.99

Order on : 25.08.99

ORDER

1. Heard ld. counsel for both sides.

2. This application has been filed by the applicant for direction upon the respondents to regularise his service in the post of Enquiry-cum-Reservation Supervisor from the date on which he was appointed to the said post on promotion on ad hoc basis with extension of all service benefits attached thereto including seniority.

3. According to the case of the applicant, he belongs to the Scheduled Tribe community and while he was holding the post of Reservation Clerk, he was promoted to the post of Enquiry-cum-Reservation Supervisor on ad hoc basis vide order dated 26.08.1991(Annexure 'A' to the app.) and till then he has been discharging his duties and functions attached to the said post. But the respondents did not regularise his service in the said post till date. It is stated by the applicant that he made representation to the authorities vide letter dated 12.3.1996 sent (Annexure 'B' to the app.) and subsequently/a reminder dated 20.8.1996(Annexure 'B' to the app.) but the respondents did not consider his case. Feeling aggrieved by and dissatisfied with

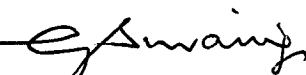
such inaction on the part of the respondents, the applicant approached this Tribunal for getting appropriate relief.

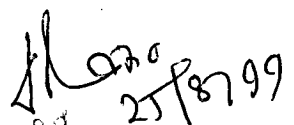
4. The respondents filed written statement denying the claim of the applicant. Ld. counsel Mr. P. Chatterjee appearing on behalf of the respondents submits that certain developments in this matter have taken place after filing of the reply. He further submits that according to the seniority list of the Scheduled Tribe candidates in respect of the said post, the applicant's position is in serial No.41 and the respondents have already given promotion upto the serial No.40. So, the applicant's name is likely to be considered for the next promotion to the said post and he is likely to be accommodated against a regular vacancy for the Scheduled Tribe candidates as available in the department and if he is found otherwise fit for the post of Enquiry-cum-Reservation Supervisor. It is also submitted by Mr. Chatterjee that the applicant will not be reverted from the said post.

5. We have considered the submissions made by the ld. counsel for both sides on that score and we are of the view that the applicant will not be prejudiced if the respondents are allowed to consider his case as per the submission made by the ld. counsel Mr. P. Chatterjee.

6. In view of the above, we do not find any reason for further direction upon the respondents and we are of the view that the appointing authority should be allowed to decide the representation of the applicant as per rules. Accordingly the application is disposed of on the basis of the submissions made by the ld. counsel for the respondents, Mr. P. Chatterjee.

7. No order is passed as to costs.


(G. S. MAINGI) 25.8.99
MEMBER(A)


(D. PURKAYASTHA)
MEMBER(J)