

Central Administrative Tribunal
Calcutta Bench

OA/1443/1996

Date of Order: 14-7-03

Present:

Hon'ble Mr.B.P.Singh, Administrative Member
Hon'ble Mr.Nityananda Prusty, Judicial Member

Sudhamoy Biswas

Applicant

-Vs.-

Union of India (DG of Employment & Training)
and 6 others. Respondents

For the applicant : Mr.M.M.Roychowdhury, Counsel

For the respondents : Ms. K. Banerjee, Counsel

O R D E R

B.P.Singh, AM

This application has been filed by the applicant against the action of the respondent authorities by which ^{he} has not been promoted to the post of Office Superintendent against the carry-forward reserve/ ~~candidate~~ vacancy. The applicant has prayed for the following reliefs :-

A) That the Hon'ble Tribunal may be graciously be pleased to issue order and direction to the government respondents to the claim of promotion of the applicant to the post of Office Superintendent on pay scale Rs.1600-2660 above both the respondent no.6 and respondent no.7, replacing respondent no.6 or respondent no.7 maintaining their Inter se;

B) To pay the arrears of salary to the applicant for such retrospective promotion for administrative errores.

2. The brief fact of the case is that the applicant was first appointed on 20-2-1965 and then he was promoted to the

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post of Upper Division Clerk w.e.f. 1-8-1982. The applicant passed the selection for the post of Internal Auditor and was promoted to the said post w.e.f. 11-4-89 on ad hoc basis. The applicant continued working on such post without any break and in the meantime he was regularised w.e.f. 31-12-90. The next channel of promotion of the applicant was to the post of Office Superintendent (O.S.). The applicant submitted application in accordance with rule for a few months' relaxation in the condition for selection/promotion on the post of O.S. through proper channel. Before any action could be taken on his application, the juniors of the applicant, the respondent no.6 and 7 were given promotion. The applicant submitted representation dt.9-1-95 (Annexure A/4) and another dt.13-11-95 (Annexure A/3) along with the OA. Ld.Counsel for the applicant submitted that no action was taken on the representation and, therefore, aggrieved with the said inaction the present application has been filed with the prayer as stated above.

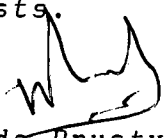
3. Ld.Counsel Mr.M.M.Roychowdhury appears for the applicant and Ld.Counsel Ms.K. Banerjee appears for the respondent authorities. Reply has already been filed in the case but, no rejoinder has been filed. Ld.Counsels for both the sides submitted that this case was filed in 1996 and since then a lot of development have taken place and the upto date position has not been given either in the OA or in the reply. It may be difficult to give proper adjudication of the case without the same. Ld.Counsel for the applicant, therefore, submitted that his client will be satisfied at this stage if a suitable direction is given to the respondent authorities to consider the representation of the applicant under Annexure A/3 and A/4 according to rules and taking note of the ^{reservation} reversal points for SC/ST and taking this OA as a part thereof within a

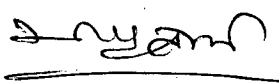
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stipulated period. Ld.Counsel for the respondents has no objection to such prayer.

4. In view of the above we do not want to keep this case pending and dispose of the same as per prayer made above.

5. Accordingly we dispose of this application with the direction to the respondent authorities specially the respondent no.2 to consider the representation of the applicant enclosed as Annexure A/3 and A/4 treating this OA as a part thereof according to rules and taking note of the ^{reservation} ~~several~~ points for SC/ST candidates within a period of 2 months from to-day by passing a speaking and reasoned order and communicating the same to the applicant within a period of 2 weeks thereafter. In case the applicant is found entitled for promotion, he should be granted all benefits of promotion, pay scale etc. within a period of one month from the date of the order. The OA is disposed of accordingly without any order as to costs.


Nityananda Prusty,
Judicial Member.


B.P. Singh,
Administrative Member.

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