

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 638 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. Nityananda Prusty, Judicial Member

Bandita Das

..... Applicant
- VS -

- 1) Union of India, through Secretary,
M/o Health & Family Welfare, New Delhi.
- 2) The Director General of Health Services,
M/o Health & F.W., New Delhi.
- 3) The Drug Controller General of India,
D.G.H.S., M/o Health & F.W., New Delhi.
- 4) The Director, Central Drugs Laboratory,
3, Kyd Street, Calcutta.
- 5) Dr.(Mrs.) Gopa Ghosh, working as Associate
Pharmacognosist under the Central Drugs Laboratory,
Govt. of India, M/o Health and Family
Welfare, Calcutta.

..... Respondents

For the Applicant : Mr. R.K.C. Thakur, Counsel

For the Respondents: Mrs. U. Bhattacharjee, Counsel (Official)
Mr. S.K. Ghosh, Counsel (Pvt. respondent)

Date of Order : 15-12-2003

ORDER

MR. NITYANANDA PRUSTY, JM

Heard Ld. Counsel for both the parties. The applicant,
who is presently working as Associate Bio-chemist in the Office of
Central Drugs Laboratory at Calcutta, has filed this application
for the following reliefs :



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- i) Applicant's case may graciously be considered for promotion to the grade of Sr. Scientific Officer forthwith and suitably direction may kindly be given to the respondents in this regard.
- ii) To direct the respondents to produce the records of DPC meeting of 1994.

2. The Ld. Counsel for the applicant submits that the applicant is entitled for promotion to the post of Sr. Scientific Officer and the applicant made a representation dated 27-4-1994 (Annexure-A/2), but the said representation has not yet been considered by the respondent authorities properly. The respondent authorities, however, replied to the effect that necessary action is being taken to fill up the post of Sr. Scientific Officer in consultation with the Directorate General of Health Services and U.P.S.C. As such as it appears, no final step has yet been taken by the official respondents to fill up the said post, to which the applicant claims to be considered. The Ld. Counsel for the applicant submits that in the meantime, recruitment rules have already been amended and by which scope of the feeder cadre has already been enlarged.

3. Ms. U. Bhattacharjee, Ld. Counsel for the official respondents and Mr. S.K. Ghosh, Ld. Counsel for the private respondent submit that no D.P.C. has yet been held for considering the applicant's claim for promotion to the Grade of Sr. Scientific Officer. As such, the present application is completely pre-mature. Other prayer No.8(ii) made in this O.A. is that the records of D.P.C. meeting of 1994 be called for. It is categorically submitted by the Ld. Counsel for the official respondents that no D.P.C. has yet been ~~set up~~ constituted for considering promotion to the post of Sr. Scientific Officer. In that view of the matter, this prayer is also pre-mature and hence, no direction can be issued by the Tribunal in this regard.



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4. However, the Ld. Counsel for the applicant submits that presently if this O.A. is disposed of with a direction to the respondent authorities to consider her pending representation dated 27-4-1994 (Annexure-A/2) in accordance with law, then the applicant will be fully satisfied. To the above submission made by the Ld. Counsel for the applicant, the Ld. Counsel for both the official respondents as well as for the private respondent submit that by virtue of disposing of the said representation, no order can be given in favour of the applicant promoting her to the post of Sr. Scientific Officer because for giving promotion to the post of Sr. Scientific Officer from the feeder cadre, this matter has to be dealt with by the properly constituted D.P.C. and the outcome has to abide by the recommendation of the D.P.C. only.

5. In the situation, at this stage we are not in a position to direct to the respondent authorities to promote the applicant. However, while parting with this application, we take cognizance of the pending representation of the applicant, which may be disposed of by the respondent authorities after due consideration of her grievances, so that she may get appropriate justice and the facts are presented before the D.P.C. as per rules. We make it clear that for the present we have not gone into the detailed pleadings or merits. The O.A. being basically pre-mature, we dispose of this with the above directions. No costs.



Member (J)



Member (A)