

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 699 of 97

Present : Hon'ble Dr. B.C. Sarma, Administrative Member.

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

Tarak Nath Mukherjee & Ors.

-v e r s u s -

Union of India & Ors. (Defence)

For the applicants : Mr. R.K. De, counsel.

For the respondents : Ms. K. Banerjee, counsel.

Heard on 5.2.98

Order on 5.2.98

O R D E R

B.C. Sarma, AM

Three applicants have jointly filed this application with the prayer that a direction be issued on the respondents to upgrade the posts of Stenographer Gr.III held by them in terms of Govt. of India O.M. dated 6.2.1989 and to consider the promotion of the applicants and to upgrade the post to Stenographer Gr.II with retrospective effect from the date as may be found due and proper. The applicants contend that they were initially appointed as Stenographer Gr.III, the applicant No.1 on 30.8.72, the applicant No.2 on 18.12.68 and the applicant No.3 on 13.8.82. The applicants also contend that they have opted for promotion in clerical cadre, the applicant No.1 on 24.7.75, the applicant No.2 on 31.7.75 and the applicant No.3 in January 1988. But despite the said options nothing has been done by the respondents. Meanwhile the recruitment rules have been changed. Ernakulam Bench of the Tribunal in O.A. 539 of 90 by judgment dated 9.9.91 had decided the respondents should consider the case of the applicants for promotion as Stenographer Gr.II. Similar judgment was passed by Guwahati Bench of the Tribunal in O.A. 129 of 93 dated 5.12.95. The applicants now pray that their case should be considered on similar line.

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2. The case has been opposed by the respondents by filing a reply. The respondents averred that the applicants' case for promotion to the post of Stenographer Gr.II was not considered since the applicants opted for clerical cadre for the purpose of promotion. But at the same time, the respondents have also averred that Army HQrs. has agreed that fresh orders are likely to be issued by Ministry of Defence in compliance of the judgment of the Hon'ble Apex Court dated 17.2.97 and necessary action will be taken.

3. We have heard the submission of the Id. counsel for both the parties and perused records. We note that the respondents have received an order issued by the Hon'ble Apex Court on 17.2.97. But the details have not been given. When Ms. Kanika Banerjee was asked about the case in which this order was passed, she could not make any submission. It is their submission that on the basis of the signal ^{received} ~~receipt~~ from E-in-C's Branch, Army HQrs., New Delhi, the reply has been drafted. Whatever that may be, we note that the reply has not been signed by any person on behalf of the respondents. Therefore, it has to be ignored. Ms. Banerjee made submission that the matter has been considered on the basis of the judgments passed by the Ernakulam Bench and Guwahati Bench of the Tribunal. If that be so, the present application can also be disposed of on similar line.

4. In view of the above position, we ~~order the~~ ^{dispose of the application} respondents with a direction that within the period of three months from the date of communication of this order the respondents shall give benefit to the instant applicants on the basis of the judgments passed by Ernakulam and Guwahati Bench of the Tribunal.

5. No order is passed as to costs.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)

a.k.c.