

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 84/97

Present : Hon'ble Mr.B.V. Rao, Member(J)  
Hon'ble Dr.A.R. Basu, Member(A)

Ashim Kr. Sarkar

-Vs-

1) Union of India through Secretary, Ministry of Human Resource Development, Government of India, New Delhi

2) The Librarian, Central Reference Library, Belvedere, Calcutta - 27

For the applicant : Mr.P.C. Das, Counsel

For the respondents : Mr.M.S. Banerjee, Counsel

Date of Order : 10.11.1996

ORDER

Mr.B.V. Rao, JM

Shri Ashim Kumar Sarkar, LDC/Typist, Central Reference Library, Calcutta has filed this OA under Section 19 of the A.T. Act, 1985 praying the following reliefs :

- a) a direction upon the respondent No.2 to grant promotion to the post of assistant from the date due having completed 8 years continuous service as LDC which was due to him long back with allied benefits and consequential reliefs.
- b) a further direction upon the respondents not to fill up the post of Assistant from LDC until the applicant is so absorbed.

2. The brief facts of the case according to the applicant are that he is working as LDC/Typist in Central Reference Library from 2-12-1983 and he was denied promotion which was due to him without any reason or cause. The applicant made representation vide Annexure A/3 to the authorities for grant of promotion on the basis of seniority/fitness. He further stated that in spite of a representation, the respondent authorities filled up the post by the junior of the applicant. Since his promotion was withheld he preferred a representation dated 26-6-96 demanding justice. Since the



respondent has not taken any action with regard to the representation, the applicant has approached this Tribunal by way of this OA to ventilate his grievance.

3. The respondents contested the matter by filing a reply stating that the applicant was not given promotion as there was adverse remark in his CR/dossier. It is further stated that the applicant cannot claim promotion to a post which is vacant since 1991 in the year 1997 even before he was found fit for such promotion by the DPC. It is further stated that the applicant is not entitled to claim any relief and the OA is liable to be dismissed with costs.

4. Heard both the parties.

5. During the course of arguments the learned counsel for the applicant submitted that the applicant got promotion on 22-3-99, i.e. after filing the instant OA. He also filed a copy of Office Order No.202 of 98-99 dated 22-3-99 wherein it was stated that the applicant has been promoted to Assistant in the scale of pay Rs.4000-6000/-.

6. In view of the submission made by the learned counsel for the applicant the OA is disposed of being infructuous. No order as to costs.

  
Member (A)

  
Member (J)