

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.1384 of 1997

Date of Order: 29.11.2004

PRESENT : HON'BLE MR. MUKESH KUMAR GUPTA, JUDICIAL MEMBER
HON'BLE MR. M.K. MISHRA, ADMINISTRATIVE MEMBER

RADHYA SHYAM PAL

VS.

UNION OF INDIA AND ORS. (E. Rly.)

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Mr. R.M. Roychowdhury, Counsel

O R D E R (O R A L)

MR. MUKESH KUMAR GUPTA, J.M.:-

The present application was filed 08.12.1997. It is seen from the seniority list appended by the applicant as Annexure-A/1, applicant retired on attaining the age of superannuation w.e.f. 31.12.1997.

2. In the present application the applicant seeks direction to the respondents to promote him to the post of O.S. Grade-I on adhoc basis for the purpose of achieving retirement and pensionary benefits by modifying the interim order dated 26.2.1997 in O.A. No. 217/97 as per Annexure-A/3.

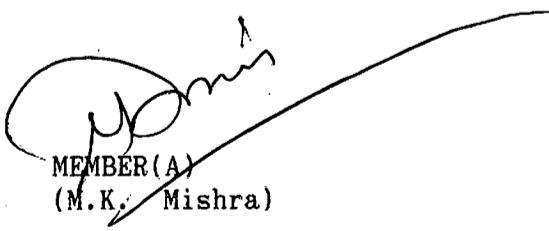
3. It is the contention of the applicant that he was not provided adhoc promotion to the aforesaid post despite the fact that he was directed to appear in the written suitability test, which was scheduled to be held on 4.3.1997. According to the applicant he had passed the said test. On perusal of the records maintained by this Tribunal, we find no reply has been filed by the respondents. Sri R.M. Roychowdhury, ld. counsel appearing for the respondents states that Mr. Samaddar, ld. counsel, who was dealing with this case, handed over this brief to the respondents and in turn he received the present brief. Therefore, he seeks permission to file reply as well as to place relevant documents on record.

4. We find that almost seven years have passed since the institution of the present application as noted herein above and no reply has been filed and matter was listed today for hearing. We find that matter has been listed for hearing for almost last four years yet no steps have been taken by the respondents to file appropriate reply.

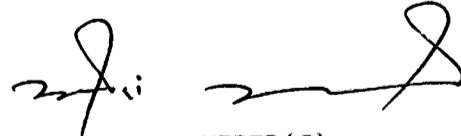
5. On perusal of the O.A., we do not find any document to justify or to accept the contention that the applicant had passed the written suitability test held on 4.3.1997. On the other hand, we find that the office order dated 16.06.97 was issued, whereby certain officials were promoted as Office Superintendent Grade-II purely on temporary basis on w.e.f 16.6.97. The applicant's plea to modify the interim order dated 26.2.97 passed in O.A. No. 217 of 1997, is not tenable as it was already modified and it was so noted by this Tribunal in its order dated 15.12.1997.

4. As such we do not have sufficient material before us to conclude that the applicant had ever qualified in the written suitability test before he attained the age of superannuation. Sri T.K. Biswas, 1d. counsel appearing for the applicant produced before us office order dated 11.06.1998 whereby certain officials were appointed to officiate as Office Superintendent Grade-I, which obviously did not include the name of the applicant as by that time he had already attained the age of superannuation. We may note that 11.06.98 order had not been filed but placed before our only today. It is not the contention of the applicant that the said order was challenged on the ground that the applicant was left out of the promotion, despite the fact that he was so found suitable, as contended.

5. In view of the above, we find no merit and justification in the present application and accordingly the same is dismissed. No costs.



MEMBER(A)
(M.K. Mishra)



MEBER(J)
(Mukesh Kr. Gupta)