

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

MA 572 of 2002
OA 44 of 1997

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

Kashi Nath Porey

-VS-

M/o Defence

For the applicant : Mr. A. Chakraborty, counsel
For the respondents : Mr. S. Panda, counsel

Date of Order : 09.12.2003.

ORDER

MR. NITYANANDA PRUSTY, JM:

Heard Mr. Chakraborty, ld. counsel for the applicant and Mr. Panda, ld. counsel for the official respondents. The applicant has filed this O.A. for confirmation/appointment against the post in the regular scale of pay. During the course of hearing, ld. counsel for the applicant filed a letter dated 10.10.2003 conferring temporary status on the applicant w.e.f. 07.10.2003. However, the ld. counsel for the applicant submits that the applicant is entitled for temporary status w.e.f. 01.09.1993. Since the temporary status has already been conferred on the applicant vide letter dated 10.10.2003, the ld. counsel for the official respondents submits that the applicant shall be regularised/confirmed against the regular post as per rule. ld. Counsel for the applicant submits that since the applicant is entitled for conferment of temporary status w.e.f. 01.09.1993, he will make a detailed representation before the respondent authorities for such xxxxxx

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conferment and this O.A. can be disposed of with a direction to the respondents to consider the said representation treating this O.A. as a part thereof within a reasonable period by passing a reasoned and speaking order. Ld. Counsel for the official respondents has no objection to the above prayer made by the Ld. Counsel for the applicant.

2. In view of the above submissions made by the Ld. Counsel for both the parties, the applicant is permitted to make a detailed representation for preponment of the date of conferment of temporary status instead of w.e.f. 7-10-2003 but w.e.f. 1-9-1993 within a period of one month from the date of communication of this order and in case such representation is filed by the applicant, the respondent authorities ^{directed to} ~~are~~ consider the same treating this O.A. as a part thereof and dispose of the same by passing a reasoned and speaking order in accordance with law within a period of two months from the date of receipt of the representation and communicate the decision to the applicant within a period of two weeks thereafter. Both the MA and O.A. are accordingly disposed of with the above direction/observation. However, there shall be no order as to costs. The letter dated 10-10-2003 be kept as a part of the record.


Member (J)


Member (A)

DKN