

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. NO. 304

of 1998

30.9.1999  
DATE OF DECISION.....

Shri Pranab Choudhury

(PETITIONER(S))

Mr S. Sarma, Mr U.K. Nair and  
Mr D.K. Sarma

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.304 of 1998

Date of decision: This the 30th day of September 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Pranab Choudhury,  
Lower Division Clerk,  
Office of the Sub Regional Employment Officer,  
Coaching-cum-Guidance Centre (CGC) for SC/ST,  
Ministry of Labour, Guwahati. ....Applicant

By Advocates Mr S. Sarma, Mr U.K. Nair and  
Mr D.K. Sarma.

- versus -

1. The Union of India, represented by the  
Secretary to the Ministry of Labour,  
Government of India,  
New Delhi.
2. The Director of Employment Exchange,  
Government of India,  
Ministry of Labour,  
New Delhi.
3. The Sub Regional Employment Officer,  
Coaching-cum-Guidance Centre (CGC) for SC/ST,  
Government of India, Ministry of Labour,  
Guwahati.
4. The Secretary,  
Staff Selection Commission,  
New Delhi. ....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicant is working as a Lower Division Clerk,  
(LDC for short) under the Sub-Regional Employment  
Officer, Guwahati. There was a proposal to upgrade the  
post of LDC to Upper Division Clerk (UDC for short), but  
later on, this proposal was dropped. As a result,

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according to the applicant, he was deprived of his promotion. The applicant, therefore, approached this Tribunal by filing O.A.No.49 of 1998. The said O.A. was disposed of by the Tribunal on 1.4.1998 with the following direction:

".....On hearing counsel for the parties we feel that it will be expedient for the authority to take decision regarding revival of the post of UDC and then to consider the representation filed by the applicant. This must be done within 1 month from today. We feel the authority has taken much longer time in taking a decision. If the applicant files representation the authority shall dispose of the representation within one month from the date of receipt of this order."

Pursuant to the above order of the Tribunal, the applicant submitted Annexure G representation dated 13.4.1998. On the said representation of the applicant Annexure G1 letter was issued by the Deputy Director of Employment Exchange to the Sub-Regional Employment Officer, Coaching-cum-Guidance Centre for SC/ST, Guwahati, intimating that the proposal for revival of the post of UDC at CGC for SC/ST had been agreed to by the competent authority. However, according to the applicant the post has not yet been created. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement refuting the claim of the applicant.

3. We have heard Mr U.K. Nair, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. Mr Nair submits that as the proposal for revival of the post of UDC had already been agreed to this should have been done and the applicant ought to have been promoted accordingly. Mr Pathak, on the other hand, submits that this contention of the learned counsel for the applicant

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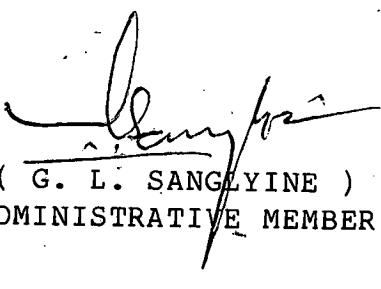
is.....

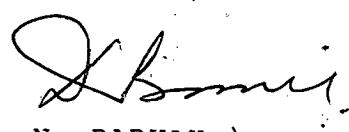
is not correct in view of the fact that Annexure H letter dated 22.5.1998 clearly shows that it was inadvertently mentioned in the Annexure G1 letter that the proposal for revival of the post of UDC had been agreed to by the competent authority. In fact, the proposal was not agreed to by the competent authority. Mr. Pathak, however, submits that one post of UDC is lying vacant at Jaintia Hills in Meghalaya and the Department will have no difficulty in appointing the applicant there.

4. On hearing the learned counsel for the parties, we hold that if the applicant is willing to go to Jaintia Hills he may be offered the post of UDC as suggested by Mr. Pathak.

5. In this application the applicant has also prayed for direction to the respondents for confirmation of his service. Mr. Pathak submits that by order No.10/49-2000 dated 7.6.1999 the applicant had already been confirmed with retrospective effect. Therefore, this prayer of the applicant has become infructuous.

6. With the above observations the application is accordingly disposed of. No order as to costs.

  
( G. L. SANGLYINE )  
ADMINISTRATIVE MEMBER

  
( D. N. BARUAH )  
VICE-CHAIRMAN