

GENERAL COURT OF APPEAL, GUWAHATI BENCH

O.A. No. 86

of 1998

DATE OF DECISION. 27.5.1999

Shri D.C. Das

(PETITIONER(S))

Mr A. Dasgupta, Mr M. Chanda and
Mr S. Dutta

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

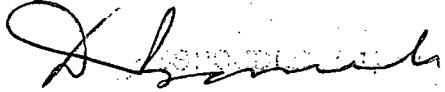
ADVOCATE FOR THE
RESPONDENTS.

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. 286 of 1998

Date of decision: This the 27th day of May 1999

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

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

Shri Debendra Chandra Das,
MES Quarter, Sonatola,
P.O. Kumbhirgram (Airport),
Cachar, Assam.Applicant

By Advocates Mr A. Dasgupta, Mr M. Chanda
and Mr S. Dutta.

- versus -

1. The Union of India, through the
Secretary, Government of India,
Ministry of Defence,
New Delhi.

2. Headquarter,
Chief Engineer.
Shillong Zone, Shillong.

3. The Asstt. Garrison Engineer (i) (AE),
Kumbhirgram,
Cachar, Assam.

4. Headquarter 137,
Works Engineers,
C/o 99 APO.Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

This application has been filed by the applicant
seeking certain directions to the respondents.

2. The facts are:

The applicant was promoted to the post of Engine
Fitter which was later on redesignated Fitter General
Mechanic - S.K. His next promotional post was Vehicle
Mechanic Highly Skilled Grade II. Before 1992 he became

DB

eligible for the said post. Trade test was taken by the authority during the period from 2.12.1991 to 5.12.1991 and the result was declared on 14.12.1992. The applicant was declared passed in that examination. However, appointment was not made. The authority recommended his name to the higher authority. Even then appointment was not made. The applicant submitted Annexure-3 representation dated 17.5.1996. Thereafter the applicant submitted Annexure-10 representation dated 5.5.1997 addressed to the Chief Engineer, Headquarter, Eastern Command, Calcutta. Both the representations had not been disposed of. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement. The respondents have refuted the claim of the applicant mainly on the ground that at the relevant time there was no vacancy and subsequently on 21.9.1992 a policy was introduced and as per that policy the applicant was not /entitled to get the said promotion.

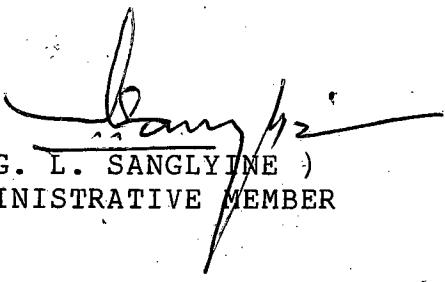
3. We have heard Mr. M.Chanda, learned counsel appearing on behalf of the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. From the written statement it is not known whether any test was taken and whether posts were available or not. On the other hand by Annexure-8 order dated 24.12.1996, the Department had already informed the Headquarters, Shillong that one post was vacant earlier and 'in Situ' promotion might be considered. It is not clear from the written statement whether the post was vacant or not. Be that as it may, the respondents ought to have disposed of the representations of the applicant by a reasoned order to enable the Tribunal to know the actual

position...

position of the case. If the applicant passed the trade test and vacancy was available the subsequent policy might not debar the promotion of the applicant. These facts are not available before this Tribunal.

4. Considering the entire facts and circumstances of the case we are of the opinion that the matter requires further examination by the authority. Accordingly we dispose of this application with direction to the respondents to dispose of the representations of the applicant considering the points raised by him by a reasoned order. This must be done as early as possible, at any rate within a period of two months from the date of receipt of this order.

5. Considering the facts and circumstances of the case, we however, make no order as to costs.


(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER


(D. N. BARUAH)
VICE-CHAIRMAN

nkm