

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 147 of 1994

Date of decision 31.7.97

Shri Jayanta Kumar Lahiri

PETITIONER(S)

Mr. J.L.Sarkar, Mr. M.Chanda,
Mr. A.Deb Roy.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. G.Sarma, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 147 of 1994.

Date of decision : This the 31st day of July, 1997.

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

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Shri Jayanta Kumar Lahiri
D.A.O/I
Highways South Division No. II, P.W.D.
P.O.Mayang,
Imphal (Manipur)

Applicant

By Advocate Mr. J.L.Sarkar.

-versus-

1. Union of India,
Secretary,
Govt. of India,
Ministry of Finance,
New Delhi.

2. Accountant General (A&E),
Meghalaya
Shillong.

Respondents

By Advocate Mr. G.Sarma, Addl. C.G.S.C.

O R D E R

BARUAH J.(V.C.).

In this application the applicant is seeking directions from this Tribunal to the respondents for his promotion to the post of Divisional Accounts Officer Grade II with effect from 1.1.1986 and also subsequent promotion to the Divisional Accounts Officer Grade I. The facts of the case are :

the applicant at the material time was working as Divisional Accountant in the office of Executive Engineer, Civil Construction Wing, All India Radio and was posted at Guwahati. While working as such he received communications regarding his adverse remarks for the years 1983-84, 1984-85.

On receipt of those communications the applicant submitted representation by registered post. The registered letter was posted at Mokokchung Post Office, Nagaland bearing receipt No. 503. The registered letter was sent by giving correct address of the concerned authority. However, without disposing the said representation some junior persons to the applicant had been promoted to the post of Divisional Accounts Officer Grade II and subsequently further promoted to Grade-I. According to the applicant this was arbitrary, unfair and unreasonable.

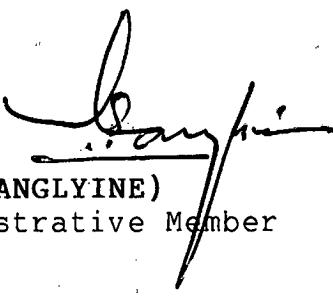
In due course the respondents have entered appearance and filed written statement. In the written statement the respondents have disputed the claim of the applicant to the effect that he had ever sent any representation to the respondents by registered post. In paragraph 1 of the application, the applicant has categorically stated that the representation was sent by registered post bearing Postal Receipt No. 503 dated 23.9.86 from Mokokchung Post Office and a certificate issued by the said Post Office has also been placed before us. By placing the certificate Mr. J.L.Sarkar submits that the authority ought to have considered and disposed of the representation before promoting the other persons who were junior to the applicant.

2. We have also heard Mr. G.Sarma, learned Addl.C.G.S.C. On hearing both the counsel of the parties we dispose of the application with a direction to the Respondents to consider the representation of the applicant by the Respondents

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and pass an order. If the authority finds that the applicant is entitled to be promoted prior to the promotion of his juniors, this shall be done as early as possible at any rate within a period of 3 months from the date of receipt of this order. As the respondents have denied that they have not received the representation from the applicant, the applicant may file a fresh representation within one month from today.

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


(G.L.SANGLYINE)
Administrative Member


(D.N.BARUAH)
Vice-Chairman

trd