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BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL,  
CALCUTTA BENCH

O.A. No. 606 of 2017

In the matter of:

Kehari Singh son of late Shri Govind  
Singh residing at RA/248, Sector IV,  
Salt Lake, Pin - 700098.

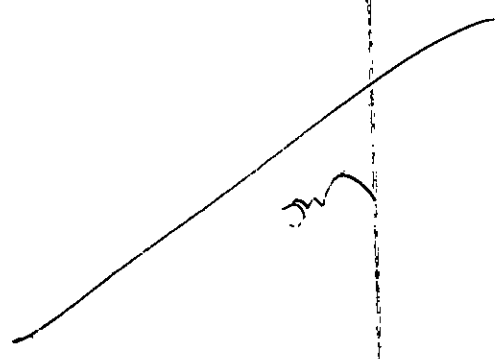
.....Applicant

Versus

1. Union of India, service through  
Secretary to the Government of India  
Ministry of Commerce & Industry.  
Department of Industrial Policy and  
Promotion Udyog Bhavan, New Delhi-  
110011.
  2. Controller General of Patents.  
Designs, Trade Mark and G.I. Having  
its office at Boudhik Sampada Bhavan,  
First Floor, S.M. Road, Antop Hill,  
Mumbai, Pin - 400037.
  3. Union Public Service Commission,  
Dhlopur House, Shajahan Road, New  
Delhi - 110069.
- MC

4. Secretary Ministry of Personnel,  
Public Grievances and Pensions,  
Department of Personnel & Training,  
3rd Floor, Lok Kayak Bhavan, New  
Delhi. 110003.

... Respondents.



No. O.A. 350/00606/2017

Date of order: 2.8.2017

**Present: Hon'ble Ms. Jaya Das Gupta, Administrative Member**

For the Applicant : Ms. T. Dasgupta, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

**ORDER (Oral)**

**Per Jaya Das Gupta, Administrative Member:**

Ld. Counsel for both sides are present.

2. The applicant has approached Central Administrative Tribunal under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:-

- a) An order directing the respondent authorities to consider the representations dated 27.1.2017, forwarded by the applicants in favour of the applicant.
- b) Direct respondents to confirm and regularize the adhoc promotion of the applicant to the post of Examiner of Trade Marks w.e.f. 2.8.2001.
- c) Direct the respondents to fix seniority of the applicant within the scope of instructions on inter se seniority of direct recruits and promotee as provided by DoPT O.M. No. 35014/2/80-Estt.(D) dated 7.2.1986 and principle laid down by Hon'ble Supreme Court and grant applicant all respective subsequent promotions from the date his juniors are promoted with all consequential benefits and back wages.
- d) Direct the respondent to take decision on the subsequent promotion of the applicant in time bound manner before considering his juniors for promotion to the higher post of Assistant Registrar of Trade Marks in the year 2017-18.
- e) To review the decision of the respondent No. 2 on upgradation of the ACRs of the year 1998-1999 & 2000-2001 by declaring these two ACRs to stand to be upgraded to meet the bench mark for promotion on the basis of the decision of the respondent in upgrading the similar consecutive ACR of the year 1999-2000 of the same reporting officer on the same fact and material and also due to wiped off theory of law.
- f) Direction for payment of arrears of pay and allowances arising out of the above relief with interest @ 12% for which purpose, the Tribunal may calendar time schedule.
- g) Any other relief which the tribunal feels appropriate and

*[Handwritten signature]*

sufficient in the circumstances of the case with appropriate cost of these proceedings."

3. It is observed that the applicant has previously approached this Central Administrative Tribunal and an exhaustive order was given on 2.9.2016 in O.A. No. 1393/2015. The operative part of which is set out below:-

"9. In view of such findings it is directed that the respondent authorities shall convey all the adverse ACRs to the applicant within 3 weeks after getting a certified copy of this order, giving the applicant a month time to represent against such adverse ACRs. After considering his representation, if the respondent authority think that there are grounds for upgrading of such ACRs, then such ACRs will be upgraded and a review DPC be held for consideration of such upgraded ACRs. In case the applicant is promoted all consequential benefits be extended to him. The whole exercise from considering the representations of the applicant to the finalisation of the review DPC proceeding, (if it is decided a review DPC will be held), shall be completed within 4 months from the date of communication of this order.

10. The O.A. is accordingly disposed of with the above directions. No costs."

4. The Ld. Counsel for the applicant failed to identify the speaking order which has been passed by the respondent authorities as per direction of the Court on 2.9.2016. Also from the relief it is not apparent what is the impugned order?

5. In the circumstances, liberty is given to the Ld. Counsel for the applicant to file a fresh O.A. enclosing the speaking order and also challenging the impugned order.

6. The O.A. is disposed as withdrawn with liberty to file afresh.

**(Jaya Das Gupta)**  
**Administrative Member**