

26/4

11

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00 6 2 3 of 2017

IN THE MATTER OF:

NARENDRA NATH HALDER,

son of Late Nagendra Nath Halder, aged about 56 years, residing at T/267, Baishnabghata-Patuli, Post Office- Panchasayar, Kolkata- 700094 and working as Lower Division Clerk on Deputation Basis in the Debts Recovery Tribunal-1, Kolkata with effect from 18.06.2014 from the Office of Ministry of Finance, Department of Financial Service, Section BO-II, 3rd Floor, Jeevan Deep Building, 10, Parliament Street, New Delhi- 110001;

...Applicant

-Versus-

1. **UNION OF INDIA** service through the Secretary, Ministry of Finance, Department of Financial Services, Government of India, Jeevan Deep Building, 3rd Floor, 10, Parliament Street, New Delhi-110001.

Nal

Narendra Nath Halder

2

2. **THE UNDER-SECRETARY**, Ministry of Finance, Department of Economic Affairs (Banking Division) Financial Services, Government of India, Jeevan Deep Building, 3rd Floor, 10, Parliament Street, New Delhi-110001;

3. **THE ASSISTANT COURT LIQUIDATOR**, in the office of the Court Liquidator, High Court, Calcutta, 15, R.N. Mukherjee Road, Kolkata- 700001;

(4.) **THE DEBTS RECOVERY TRIBUNAL-1, KOLKATA**, service through the Registrar, Jeevan Sudha Building (9th Floor), 42C, Jawaharlal Nehru Road, Kolkata- 700071

...Respondents.

Alle

No. O.A. 350/00623/2017

Date of order: 26.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : Mr. None

ORDER (Oral)A.K. Patnaik, Judicial Member

Heard Mr. P.C. Das, Ld. Counsel appearing for the applicant.

2. This OA has been filed by Narendra Nath Halder, working as Lower Division Clerk on deputation basis in the Debts Recovery Tribunal -1, Kolkata under Section 19 of the Administrative Tribunals Act 1985 challenging non-consideration of the applicant's representation dated 9.7.2015 in respect of his absorption in a deputation post to the post of Lower Division Clerk, who was transferred on deputation basis from the office of Ministry of Finance w.e.f. 18.6.2017 and directed to join duty on deputation basis to the post of Lower Division Clerk in the DRT-1 Kolkata and non-consideration of his representation dated 28.1.2017 in respect of extension of deputation period for another four years which will expire w.e.f. 18.6.2017 in the light of the recommendation made by the Registrar-in-Charge, DRT vide Annexure 'A-18' and 'A-19' of the instant O.A. This O.A. has been filed praying for the following reliefs:

"a) To pass an appropriate order directing upon the respondent authority to absorb the present applicant in a deputation post of Lower Division Clerk in the Debts Recovery Tribunal-1, Kolkata, Jeevan Sudha Building (9th Floor), 42C, Jawaharlal Nehru Road, Kolkata- 700071 who is performing duty to the post of Lower Division Clerk on deputation in terms of the office order of Ministry of Finance, Department of Financial Services, Government of India, New Delhi vide office order dated 16th June, 2014.;

b) To pass an appropriate order directing upon the respondent authority that if the absorption is not possible in that event, due to huge crisis of manpower and the volume of works in the Debts Recovery Tribunal-1, Kolkata, Jeevan Sudha Building (9th Floor), 42C, Jawaharlal Nehru Road, Kolkata- 700071 and for the interest of the Administration, the period of deputation of the applicant which will be



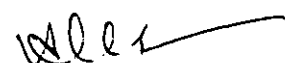
expired on 18th June, 2017 may be extended for four (04) years by directing upon the respondent No. 1 at least to accept the recommendation made by the Registrar of Debts Tribunal-1, Kolkata vide office letter dated 10.02.2017 being Annexure A-19 of this original application.

c) To pass an appropriate order directing upon the respondent authority i.e. the respondent No.1 and respondent No. 4 to absorb the present applicant in deputation post to the post of Lower Division Clerk in Debts Recovery Tribunal-1, Kolkata due to shortage of manpower in the Debts Recovery Tribunal-1, Kolkata which will go in the interest of the Administration.

d) Costs;

e) Any other relief or reliefs or Your Lordship may deem fit and proper."

3. The facts in a nut shell as per Mr. Das are that the Government of India, Ministry of Finance, Department of Financial Services, New Delhi issued direction to the Assistant Court Liquidator, High Court, Calcutta for taking willingness of the employees of the office of Court Liquidator, Kolkata whether they can join the office of DRT/DRAT at Kolkata, Guwahati and Cuttack under the same Ministry. Pursuant to the same the Assistant Court Liquidator, High Court, Calcutta issued an office order on 29.9.2011. In compliance to the same the applicant made a representation on 30.9.2011. Thereafter the applicant preferred representations to transfer him from the office of the Court Liquidator Kolkata to the Government of India, Ministry of Finance, Department of Financial Services, New Delhi. On 21.2.2013 he preferred a representation for transferring him from Kolkata to New Delhi. The Under-Secretary, Government of India, Ministry of Finance on 28.2.2013 issued an office order directing the Assistant Court Liquidator, High Court, Calcutta to immediately relieve him from the office of the Court Liquidator, Kolkata. In pursuance thereof the Assistant Court Liquidator, High Court, Calcutta on 6.3.2013 issued an office order by which the applicant was relieved from the office of Court Liquidator, High Court, Calcutta to report for duty in the Department of Financial Services,



Government of India, Ministry of Finance, New Delhi. On 10.3.2013 the applicant submitted his joining report in the Office of government of India, Ministry of Finance, Department of Financial Services. The applicant further made an application before the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Service on 6.1.2014 to the post of LDC on deputation basis in the Office of DRT-1, Kolkata. On 3.6.2014 the Registrar, DRT-1, Kolkata issued an office order by which he was intimated that he has been selected to the post of LDC on deputation basis for a period of three years in the DRT-1, Kolkata. The applicant was relieved from the department and he joined DRT-1 as LDC on deputation basis. The Registrar of DRT issued an order for retaining the present applicant in the post of LDC. He made an application for permanent absorption in DRT. Thereafter the applicant preferred a representation before the Presiding Officer, DRT-1, Kolkata for extending his deputation period for another four years. The Registrar-in-Charge on 10.2.2017 has duly recommended his case and requested for extension of his period of deputation.

4. The Ld. Counsel for the applicant submitted that the recommendation of the Registrar-in-Charge for extending the period of deputation for 4 years is dated 10.02.2017 (Annexure "A-19") to the respondent No. 2, which is still pending consideration.

5. Mr. Das, Ld. Counsel for the applicant, further submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 10.02.2017 within a specific time frame.

6. Though no notice has been issued still then I think it will be not



prejudicial to either of the sides if this O.A. is disposed of without waiting for reply by directing the respondent No. 2, that recommendation of the Registrar-in-Charge dated 10.02.2017 may be considered if still pending consideration and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to grant him extension of the deputation period. Till such recommendation is considered and disposed of the respondent authorities are directed that no coercive action would be initiated against the applicant and status-quo in so far as the applicant is concerned be maintained.

7. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent Nos. 2 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry within a week.

9. With the aforesaid observation and direction, the O.A. is disposed of.


(A.K. Patnalk)
Judicial Member

SP