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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH
Miscellaneous Application 666 of 2017
ORIGINAL APPLICATION NO. 1480 OF 2015
C.P.C. No. 223 of 2016

In the matter of :

An application Under Section 19
of the Central Tribunal
Administrative Act, 1985;

And

In the matter of :

Raghunath Banerjee, son of Late
Ramprasad Banerjee, aged about 58
years, working for gain at 3,
Koilaghat Street, Eastern Railway,
Kolkata- 700 001.

....Applicant

-Versus-

1. Union of India, service
through the General Manager,
Eastern Railway, 17, Netaji Subhas
Road, Kolkata- 700 001.

2. The Chief Personal Officer,

Eastern Railway, 17, N. S. Road,

Fairlee Place, Kolkata-700 001.

3. Shri Om Prakash Singh, The

Senior Personnel Officer (W & IR),

Eastern Railway, 17, N. S. Road,

Fairlee Place, Kolkata-700 001.

4. The Sr. Personnel Officer (CW

& MPP), Eastern Railway, 17, N. S.

Road, Fairlee Place, Kolkata-

700 001.

5. The Assistant Personnel Officer

(W), Eastern Railway, 17 N. S.

Road, Fairlee Place, Kolkata-

700 001.

6. Sri Rajesh Biswas, working for

gain at Fairlee Place Canteen

(TRIPTI), 17, N. S. Road, Fairlee

Place, Kolkata- 700 001.

....Respondents

No. M.A. 350/00666/2017
 CPC. 350/00223/2016
 (O.A. 1480/2015)

Date of order: 10.08.2017.

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. A.K. Gayen, Counsel

For the Respondents : Mr. M.K. Das, Counsel
 Ms. Gopa Roy, Counsel

ORDER

Dr. Nandita Chatterjee, Administrative Member:

This contempt matter has arisen from a purported non-compliance of the judgment of the Central Administrative Tribunal, Calcutta Bench in O.A. No. 350/01480/2015 dated 2.6.2016. The Ld. Tribunal had ordered as follows:-

"17. We think justice would be met, if accordingly, the respondents are directed to consider promotion of the applicant to the posts of Canteen Manager Gr. II and Gr. I strictly as per rules provided he is found eligible.

Also as the applicant was looking after the responsibility of Shri G.C. Ghosh, Senior Canteen Manager from 29.4.2011, the respondent shall not consider whether additional remuneration as per rules may be given to him. The ACP and MACP benefits are not additional remuneration. Obviously if he gets the promotions then as per rules, the grant of ACP/MACP benefits will stand modified.

The entire exercise shall be completed within a period of four weeks from the date of receipt of a certified copy of this order as the applicant is due to retire on 30.4.2017."

2. Heard Ld. Counsel for both petitioner and the contemnors, perused documents on record.
3. Ld. Counsel for the petitioner has argued that despite the directions contained in orders passed in O.A. No. 1480 of 2015 on 2.6.2016, the respondents have not considered the case of promotion of the applicant to the post of Canteen Manager Gr. II and Gr. I as yet. The Ld. Counsel for the respondents, however, has submitted that, vide orders dated 24.7.2017, the competent authority of Eastern Railway has passed a speaking order in

thru:

which the respondent authorities have clarified as follows:-

" That the petitioner had been selected and posted as Assistant Canteen Manager w.e.f. 11.2.2012 on regular basis and has joined the post on 13.2.2012. The petitioner was further promoted as Canteen Manager Gr. II w.e.f. 30.11.2015."

4. That in terms of Para 214(c)(i) of IREM Vol. I, Staff in the immediately lower grade with a minimum service of two years in that grade will only be eligible for promotion and that, since the petitioner has not completed two years of service as Canteen Manager Gr. II, he could not be considered for further promotion to the post of Canteen Manager Gr. I.

5. It is a matter of record that, on the date of the order when O.A. 350/01480/2015 was disposed of, namely 2.6.2016, the petitioner concerned had already been promoted as Canteen Manager Gr. II w.e.f. 30.11.2015. As the respondent authorities has disposed of the case of the petitioner as per their extant rules and as because the petitioner was not found eligible for the post of Canteen Manager Gr. I thereafter, the contention of the petitioner for initiating contempt proceedings against the respondent authorities is not maintainable.

6. Hence, the CPC fails and is dismissed. M.A. No. 666 of 2017 is also disposed of at this stage. The petitioner, however, is at liberty to file a fresh petition substantiating his case for eligibility as per rule.

7. There will be no order as to costs.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member