

LIBRARY

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

ORDER SHEET

COURT NO. : 1
28.08.2018
O.A./350/677/2018

SUJIT MUKHERJEE
-V/S-
G S I

ITEM NO:1

FOR APPLICANTS(S) Adv. :

Mr. S.K.Datta

FOR RESPONDENTS(S) Adv.:

Ms. D.Nag

Notes of The Registry	Order of The Tribunal
	<p>Mr. S.K.Datta, Ld. Counsel for the applicant, submitted that though he has instruction to appear in this case and his Vakalatnama is very much here, his name has not been reflected in the cause list. Registry to reflect his name in the record.</p> <p>2. Heard Mr. S.K.Datta, Ld. Counsel for the applicant, and Ms. D.Nag, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p>“(a) An order holding that the down grading of ACR/APAR of the applicant is arbitrary and cannot be sustained in law and accordingly, the same may be quashed.</p> <p>(b) An order holding that denial of 2nd MACP to the applicant with effect from 12.11.2013 is bad in law and arbitrary.</p> <p>(c) An order holding that grant of 2nd MACP to the applicant with effect from 1.4.2017 by order dated 6.10.2017 instead of 12.11.2013 is bad in law and cannot be sustained and accordingly, the same may be directed to be reviewed and respondents may be directed to grant 2nd MACP to the applicant after such review with effect from 12.11.2012 with all consequential money benefits.</p> <p>(d) An order quashing and/or setting aside the communication dated 30.1.2018.</p> <p>(e) An order directing the respondents to produce/cause production of all relevant records.</p> <p>(f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”</p> <p style="text-align: right;"><i>de</i></p>

4. Brief facts of the case of the applicant are that he has been working as Group – C in Geological Survey of India and he is holding the post of Junior Technical Assistant (Drilling) at Central Headquarter, GSI, Chemical Division. The applicant along with others took part in the agitation against merger of Workshops of Engineering Department with the Drilling Stream and all the participating employees incurred displeasure of the authorities and their ACR/APAR were downgraded and made adverse as well as all of them were inflicted with minor penalty of Censure. Although others were granted MACP benefits from due dates but the applicant's 2nd MACP was postponed to 01.04.2017 instead of 12.11.2013 arbitrarily. Ld. Counsel for the applicant submitted that the representations made against such deferment has been rejected by a cryptic communication dated 30.1.2018 and hence he has challenged the same in this O.A.

5. At the outset, I have gone through the impugned order dated 30.01.2018, which reads as under;

“With reference to above, it is stated that your application has been received by this Office. On scrutiny, it is found that granting of MACP is as per extant rule.

In view of above, your request has not been acceded by the competent authority.”

6. Having heard Ld. Counsel for both the sides and having perused the impugned order dated 30.01.2018 (Annexure-A/19), I am of the view that this order is a cryptic one and the Respondents have passed this order in a very mechanical way. Accordingly, the letter dated 30.01.2018 (Annexure-A/19) is quashed and the Respondent No.2 is directed to reconsider the case of the applicant as per his representation dated 23.10.2017 (Annexure-A/18), particularly, keeping in mind the benefits granted to one Gopes Chandra Kujur and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.


7. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation filed before Respondent No.2, will be considered as per Rules and Regulations in force, still then we hope and trust that if after such consideration applicant's grievance is found to be genuine then expeditious steps may be taken by the Official Respondents to redress their grievance within a further period of six weeks therefrom.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

9. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to

Respondent No.2 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

10. Free copies of this order be handed over to the Ld. Counsels for both the sides.


(A.K. PATNAIK)
MEMBER (J)

RK