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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00 00688 of 2018

IN THE MATTER OF:

ARIJEET MUKHERJEE, son of Shri Ashok Kumar Mukherjee, aged about 33 years, residing at Quarter No. 32/East, Ground Flor, Park Estate, Post Office- Ishapore Nawabganj, District- North 24-Parganas, Pin 743144 and working to the post of Assistant Works Manager (Administration) in the Rifle Factory, Ishapore, Post Office- Ishapore Nawabganj, District- North 24-Parganas, Pin 743144;

...Applicant

-Versus-

1. UNION OF INDIA service through the Secretary, Ministry of Defence (Defence and Production), Government of India, South Block, New Delhi-110001.
2. THE CHAIRMAN-CUM-DGOF, Ordnance Factory Board, having his office at 10A, Shaheed Khudiram Bose Road, Kolkata-700001



3. **UNION PUBLIC SERVICE COMMISSION,**

service through the Secretary, having its office at Dholpur House, Shahjahan Road, New Delhi-110069.

4. **THE SECRETARY,** Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pension, Government of India, North Block, New Delhi-110001.

5. **DEFENCE RESEARCH & DEVELOPMENT LABORATORY** under Defence Research & Development Organization, service through the Director, Post Office- Kanchanbagh. Hyderabad-500058.

6. **THE NATIONAL ACADEMY OF DEFENCE PRODUCTION,** service through Principal Director, Ambajhari, Nagpur, Pin-440021, Maharashtra.

7. **THE GENERAL MANAGER,** Rifle Factory, Ishapore, Post Office-Ichapore-Nawabganj, District-24-Parganas (North), Pin-743144;

... Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/688/ 2018

Date of order: 24.05.2018

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

For the applicant : Mr. P.C. Das, counsel
Ms. T. Maity, counsel

For the respondents : Mr. B.B. Chatterjee, counsel

ORDER

A. K. Patnaik , Judicial Member

The applicant has filed this application challenging the impugned order dated 14.03.2017(Annexure A/13) issued by the Director, Management Services (For Director) whereby the request of the applicant for post facto acceptance of technical resignation has been rejected.

2. In the O.A. the applicant has sought for the following reliefs:-

"a) To quash and/or set aside the impugned office order dated 14th March,2017 issued by the Director, Management Services, Defence Research & Development Laboratory Post Office –Kanchanbagh, Hyderabad-500058, **Government of India, Ministry of Defence** by which the resignation submitted by the applicant has not been treated as a technical one being Annexure A-13 of this original application although the applicant has mentioned in his representation dated 28th May,2013 that his resignation be treated as a 'technical resignation' which is appearing at Annexure A-6 of this original application;

b) To quash and/or set aside the impugned Relieving Certificate dated 20th December,2013 issued by the Administrative Officer for Director, Defence Research & Development Laboratory Post Office –Kanchanbagh, Hyderabad-500058 by which they intentionally mentioned that your applicant submitted his resignation on personal ground being Annexure A-8 of this original application and because of not mentioning the resignation on technical ground your applicant has lost the benefit of his past service and he is not getting the increment because the past services of the applicant has not been counted by the parent organizations (the Defence Research & Development Laboratory, Hyderabad and National Academy of Defence Production, Ambajhari) which are under the same Ministry and further direct the said authority to issue fresh Relieving Certificate by clearly mention that

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your applicant's resignation be treated as technical one in terms of office memo dated 8th April, 2016 issued by DoP&T which is appearing at Annexure A-12 of this original application;

c) To declare that the resignation submitted by your applicant in terms of his application dated 28th May, 2013 being Annexure A-6 of this original application before the Director, Defence Research & Development Laboratory, Hyderabad is a technical one and the services rendered by him as Scientist-"B" with effect from 03.12.2008 to 07.06.2013 in the said organization has to be continued as past service by the parent organization and to release all consequential benefits including the increment in favour of the applicant;

d) Costs and incidental of this original application;

e) Any further or other order or orders as Your Honour may seem fit and proper."

3. Heard Mr. P.C. Das leading Ms. T. Maity, Id. counsel for the applicant. Mr. B.B. Chatterjee who usually appears on behalf of the respondent authorities is present in the court. On my instruction, Mr. B.B. Chatterjee has agreed to appear on behalf of the respondents. Mr. P.C. Das is directed to serve a copy of this O.A. to Mr. B.B. Chatterjee.

4. Mr. P.C. Das, Id. counsel for the applicant submitted that the case of the applicant has not been considered by the respondent authorities in proper manner, therefore, he sent repeated requests for forwarding his case to the competent authorities followed by several reminders. Mr. Das further submitted that the last representation submitted by the applicant is dated 10.01.2017 (Annexure A/18) which is addressed to the Director, DRDI, Kanchanbagh, Hyderabad (Respondent No.5), but no response has been received by the applicant till date. Mr. Das also submitted that this is a case of discrimination because some similarly situated employees have been allowed to avail such benefit whereas the applicant's prayer for the same benefit has been refused by the respondents.

However, Mr. Das, Id. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the Respondent authorities, more particularly, the Respondent No.2,5 and 7 to consider the case of the applicant in terms of the DOP&T's O.M. dated 08.04.2016(Annexure A/12) within a specific time frame.

5. Mr. B.B. Chatterjee, Id. counsel who appeared for the official respondents on my instruction fairly submitted that as he has no instruction he cannot throw any light regarding the status of the representation of the applicant.

6. Though no notice has been issued to the respondents, I find it would not be prejudicial to either of the parties if the respondents are directed to consider the prayer of the applicant as per the DOP&T's O.M. dated 08.04.2016(Annexure A/12) and all other rules and regulations governing the field as prayed by Id. counsel for the applicant.

7. Accordingly, the Respondent Nos.2 or 5 or 7 is hereby directed to consider the prayer of the applicant keeping in mind the DOP&T's O.M. dated 08.04.2016(Annexure A/12) and all other rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith. Till such consideration of the prayer of the applicant, the respondent authorities shall not take any further coercive action against the applicant in pursuance of the impugned order dated 14.03.2017(Annexure A/13). After such consideration, if the grievance of the applicant is found to be genuine, then the competent respondent authority shall take expeditious steps to grant the consequential benefits to the applicant within a further period of six weeks from the date of taking the decision in the matter.



8. It is made clear that I have not gone into the merit of the case and all the points raised in the representations/reminders are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. With the above observations and directions the O.A. is disposed of.

10. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to the respondent nos.2,5 and 7 for which Id. counsel for the applicant will deposit the cost within one week.


(A. K. Patnaik)
Judicial Member

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