

O.A.No.350/57/2018



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

Aloka Sahis, daughter of Ajit Sahis, aged about 49 years, residing at Village - Haritaki Bagan, Post Office - Kundua Dihi, District - Bankura, Pin 722102, West Bengal

.... APPLICANT

VERSUS

- i) Union of India, through the Secretary, Ministry of Finance, Government of India, North Block, New Delhi 110 001
- ii) Chairman, Central Board of Direct Taxes, North Block, New Delhi 1
- iii) The Principle Chief Commissioner of Income Tax, West Bengal & Sikkim, Aayakar Bhawan, P-7, Chowringhee Square, Kolkata 700069

.... RESPONDENTS

A handwritten signature in black ink, appearing to read "Aloka".

O.A.No.350/57/2018

Date :29.01.2018

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

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. B. P. Manna, counsel

O R D E R(Oral)**A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"(a) The Office order no. F. No. 5E/56/Comp Appt Genl.)/2010-11/Pt.1/13897A dated 14.12.2017 and issued by ACII Head Quarters Personnel & Establishment, Kolkata on behalf of PP(CIT, West Bengal and Sikkim cannot be sustained in the eye of law and same may be quashed;

(b) Office order no. F. no. 5E/56/Comp. Appt. (Genl)/2010-11/Pt.1/13897 dated 14.12.2017 issued by JCIT, HQRS (PERS & Esttb) Kolkata cannot be sustained in the eye of law and the same may be quashed."

2. I have heard Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicant and Mr. B.P. Manna, Id. counsel for the respondents.

3. Brief facts of this case as narrated by Mr. A. Chakraborty, Id. counsel for the applicant are that the applicant was appointed on compassionate ground as a trainee against the post of Multi Tasking Staff under the respondents. The applicant was given appointment on the condition that she would have to acquire the qualification of Madhyamik within 5 years. Clarifications were given regarding compassionate appointment vide office memorandum dated 03.04.2012(Annexure A/3). However, the service of the applicant was sought to be terminated vide order dated 14.12.2017(Annexure A/4) on the ground that



due process as per DOPT's O.M.No.14014/2/2009-Estt.(D) dated 11.12.2009 was not followed. Being aggrieved the applicant has filed this O.A. seeking appropriate relief.

4. On being questioned as to whether the applicant has exhausted the available remedies before approaching this Tribunal, Id. counsel for the applicant Mr. A. Chakraborty fairly submitted that the applicant could not wait for making representation to the authority concerned as she apprehended that her service would be terminated in the meantime.

5. Considering the aforesaid facts and circumstances, I am of the view that it will not be prejudicial to either of the parties if the applicant is permitted to file a comprehensive representation to the Respondent No.3 ventilating her grievances therein and the said authority is directed to consider and dispose of the representation of the applicant within a specific time frame.

6. Accordingly, the applicant is permitted to file a comprehensive representation ventilating her grievances therein within a period of 15 days from today and if such representation is filed within 15 days, the Respondent No.3 i.e. the Principal Chief Commissioner of Income Tax, West Bengal & Sikkim, Aaykar Bhawan, P-7, Chowringhee Square, Kolkata is directed to consider and dispose of the same by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of such representation and communicate the decision to the applicant forthwith. Status quo as on date, so far as continuance of the applicant is concerned, shall be maintained till disposal of the representation and also for a further period of one week from the date of communication of the result to the applicant.



6. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7 The applicant is granted liberty to annex a copy of this order along with her representation and a free copy of this order be handed over to Mr. B.P. Manna, Id. counsel for the respondents.

8. With the above observations the O.A stands disposed of. No order as to cost.


(A.K. Patnaik)
Judicial Member

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