

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



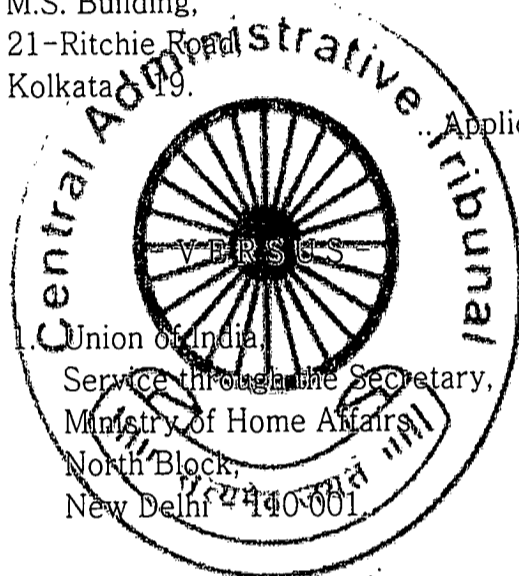
No. O.A. 352/00901/2016

Date of order: 7.12.2017

Present : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Ms. Nandita Chatterjee, Administrative Member

Dr. Narendra Shanker Pandey,
S/o. R.S. Pandey,
Working for gain as Dy. Director,
Central Forensic Science Laboratory (Ballistics),
30, Gora Chand Road,
Kolkata - 700 014 and
Residing at Flat No. 4, Type V,
M.S. Building,
21-Ritchie Road
Kolkata - 700 019.

Applicant



Service through the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.

2. Chief Forensic Scientist,
Directorate of Forensic Science,
Ministry of Foreign Affairs,
Block No. 9, 8th Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.
3. Director,
Central Forensic Science Laboratory,
30, Gora Chand Road,
Kolkata - 700 014.
4. Secretary,
Department of Personnel & Training,
North Block,
New Delhi - 110 001.

5. Secretary,
Union Public Service Commission,
Dholpur House,
New Delhi - 110 069.

.. Respondents

For the Applicant : Mr. C. Sinha, Counsel
For the Respondents : Ms. P. Goswami, Counsel
Mr. A.K. Chattopadhyay, Counsel

O R D E R (Oral)

Per Ms. Manjula Das, Judicial Member:

Mr. S. Panda, Ld. Counsel for the applicant has retired from this matter and Mr. C. Sinha, Ld. Counsel is appearing on behalf of the applicant.

2. Mr. Sinha prays for a direction upon the respondent authorities to quash and set aside the alleged speaking order dated 19.5.2016 depriving him and rejecting his representation dated 7.10.2015 and further prayed for consideration of his case as directed by this Tribunal on 3.12.2015 and also as per DOPT O.M. dated 25.3.1996 and 30.7.2014 and a direction to consider his case for the post of Director. Mr. Sinha further prays before this Tribunal for an alternative remedy by considering his case in pursuance to the reply of the speaking order dated 19.5.2016 wherein it was stated that his case can be duly considered after he get eligibility after 15.2.2017 under FCS to the post of Director. It was fairly submitted by the Ld. Counsel that as he has now become eligible for the



post of Director, as per existing rules his case may be considered and the respondent authorities may be directed to place his matter before the Assessment Board constituted by the UPSC.

3. On the other hand, Mr. A.K. Chattopadhyay, Ld. Counsel submits that as the applicant has now become eligible after residency period, his case can be considered. The Ld. Counsel for the official respondents has also no objection for consideration of the matter by respondent No. 2 in accordance with law.

4. Accepting the prayer made by Ld. Counsel for both the parties, we deem fit and proper not to go into the merits of the matter and direct the respondent authorities i.e. respondent Nos. 2 and 5 to place the matter of the applicant before the Assessment Board constituted by the UPSC as early as possible but not later than 8 weeks and to consider his case as he has already been eligible for being promotion to the post of Director. If there is any consequential benefits that he has to be paid, then he shall be paid the same in accordance with law.

5. With the aforesaid observation, the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

SP