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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BRANCH
AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

O.A. No. 1029

of 2018

SRI RAJAT SAHOO.

Son of Sri Purnachandra Saha, working as
Auditor, Office of the Director General of
Commercial Audit & Ex-Officio Member,
Audit Board - I, No. 1 Council House
Street, Kolkata - 700001, and residing at

Vill - Bhabanipur, P.O. + P.S. - Dantan

Dist. - Paschim Medinipur,

P.N. - 721426, W.B.

APPLICANT.

-Versus-

1. The Union of India, through Secretary
Computer & Auditor General of
India, Pocket - 9, Sector Dargah
Upadhyaya Marg, New Delhi - 110011

2. The Director General of
Commercial Audit & Ex-Officio Member,
Audit Board - I, No. 1 Council House
Street, Kolkata - 700001.

3. The Deputy Director. (Administration)
Office of the Director General of
Commercial Audit & Ex-Officio Member,
Audit Board - I, No. 1 Council House
Street, Kolkata - 700001

Respondents.

[Signature]

No. O.A. 350/01029/2018

Date of order: 23.7.2018

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

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

ORDER (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. N. Roy, Ld. Counsel for the applicant.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

"(a) To issue direction upon the respondents to consider the representations dtds. 28.9.2016, 29.6.2017, 1.1.2018 and 2.4.2018 for the promotion in the post of Auditor forthwith.

(b) To issue further direction upon the respondents to give promotion for the post of auditor w.e.f. 1.1.2015 for the vacancy period from 1.1.2015 to 31.3.2015 as per CAG's Circular No. 28/2014, Letter No. 621-Staff (Appt)/195-2014 dtd 10.7.2014 to the applicant forthwith.

(c) Any other order or orders or further order, or orders as Learned Tribunal deem fit and proper under the circumstances of the case.

(d) To produce connected Departmental Record at the time of Hearing."

3. As prayed for by Mr. N. Roy, Ld. Counsel for the applicant, that the applicant appeared in a Departmental Examination for the post of Auditor held on August, 2014. He was selected for promotion to the post of Auditor on 19.11.2014 having been qualified in the said examination and became eligible for promotion for the post of Auditor on 1.1.2015. As per CAG's Circular No. 28/2014, letter No. 621-Staff (Appt)/195-2014 dated 10.7.2014 the authority concerned has to prepare a separate panel of eligible candidates for the vacancy period from 1.1.2015 to 31.3.2015 with crucial date as 1.1.2015. But owing to administrative laches he was not promoted to the post of Auditor on 1.1.2015. He made a representation on 16.1.2015 seeking promotion to the post of Auditor in due time i.e. 1.1.2015. Thereafter, the authority concerned gave promotion to the candidates on 1.4.2015. As the promotion was given on 1.4.2015, the panel year has been

v/c

changed for the vacancy period from 1.1.2015-31.3.2015 to 1.4.2015 -31.3.2016. Since the direct recruit candidates joined on December, 2015 as per 20 point roster, the applicant became junior to those direct recruit candidates. As per the applicant, he appeared in the departmental examination in the month of August, 2014 and came out successful in the month of November, 2014 for the post of Auditor. Since, the DPC for the period from 1.1.2015 to 31.3.2015 with crucial date as on 1.1.2015 was not held, the applicant was promoted from 1.4.2015 instead of 1.1.2015. Thereafter also he preferred several representations dated 27.9.2016, 29.6.2017, 1.1.2018 and 2.4.2018, which are still pending consideration.

4. Mr. Roy, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 2 & 3 to dispose of the representations dated 2.4.2018, 1.1.2018 & 29.6.2017 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent Nos. 2 & 3, that if any such representation as claimed by the applicant has been preferred on 2.4.2018, 1.1.2018, 29.6.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 & 3 within a further period of three months from the date of such consideration to extend the benefits of promotion to the applicant. However, if in the meantime the said representation stated to have been preferred on 2.4.2018, 1.1.2018 & 29.6.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

W.C.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Roy, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 & 3 by speed post for which Mr. Roy undertakes to deposit necessary cost in the Registry by the next week.

(A.K. Patnaik)
Judicial Member

SP

