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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH.

CALCUTTA

G. A. No. 350/ 1045

of 2018

IN THE MATTER OF:

PROSENJIT GANGOPADHYAY, son of Late
Sailendra Nath Ganguly, aged about 52
years, residing at 6B, Mukundapur, Post
Office- Mukundapur, Police Station- Purba
Jadavpur, Kolkata- 700099 and working to
the post of Senior Technical Officer (2) in
CSIR - Indian Institute of Chemical Biology,
4, Raja S.C. Mullick Road, Kolkata- 700032.

...Applicant

-Versus-

1. UNION OF INDIA service through the
Secretary, Ministry of Science and
Technology, Government of India, having
its office at Technology Bhavan, New
Mehrauli Road, New Delhi-110016

2. THE JOINT SECRETARY
(ADMINISTRATION), Council of Scientific
and Industrial Research, Anusandhan

No. O.A. 350/01045/2018

Date of order: 23.7.2018

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

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. M.A. Chaturvedi, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. P.C. Das, Ld. Counsel for the applicant and Mr. M.A. Chaturvedi, Ld. Counsel for the official respondents.

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 pass an appropriate order directing upon the respondent authority to open the sealed cover assessment dated 04.12.2014 in respect of the promotion to the post of Senior Technical Officer (3) in respect of the applicant and if the applicant is found eligible after opening the sealed cover then his promotion to the post of Senior Technical Officer (3) should be given effect to with effect from 23.2.2013 along with all consequential benefits;

(b) To pass an appropriate order directing upon the respondent authority to take immediate steps to open the sealed cover assessment dated 4.12.2014 in respect of considering the promotion of the present applicant to the post of Senior Technical Officer (3) which your applicant is entitled to with effect from 23.2.2013 despite the fact that your applicant was acquitted from all criminal charges by virtue of the order passed by the court of Learned Judicial Magistrate, 5th Court, Alipore vide order dated 30.11.2017 & vide order of ACJM, Alipore dt. 09.02.2017 and in terms of the office memo of assurance given by the respondent authority dated 24.4.2015 which is appearing at Annexure A-2 and A-1 of this original application."

3. As prayed for by Mr. P.C. Das, Ld. Counsel for the applicant, that the applicant was initially appointed as Technical Assistant Group III (1) and at present after assessment promotion, he is holding the post of Senior Technical Officer (2) with effect from 23.2.2008 in the office of Council of Scientific & Industrial Research – Indian Institute of Chemical Biology, 4, Raja S.C. Mullick Road, Kolkata – 700 032 in the pay scale of Level – II (7th CPC). His next assessment promotion is to the post of Senior Technical Officer (3) which is due from 23.2.2013. A DPC meeting was conducted and the DPC kept its findings in

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sealed cover because of one criminal proceeding pending against the applicant before the Court of Learned Judicial Magistrate, 5th Court, Alipore. Subsequently, the applicant has been acquitted from all criminal charges. He preferred a representation dated 18.12.2017 requesting the Director, CSIR-Indian Institute of Chemical Biology, 4, Raja S.C. Mullick Road, Kolkata to open sealed cover assessment dated 4.12.2014 and to give effect to his promotion of Senior Technical Officer (3) with effect from 23.2.2013 with all consequential benefits. Thereafter he preferred several representations to open the sealed cover proceedings, which are still kept pending consideration.

4. Mr. Das, 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 & 5 to dispose of the representations dated 12.2.2018, 6.3.2018, 26.3.2018 & 4.6.2018 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent Nos. 2, 4 & 5, that if any such representation as claimed by the applicant has been preferred on 12.2.2018, 6.3.2018, 26.3.2018 & 4.6.2018 and the same are 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.

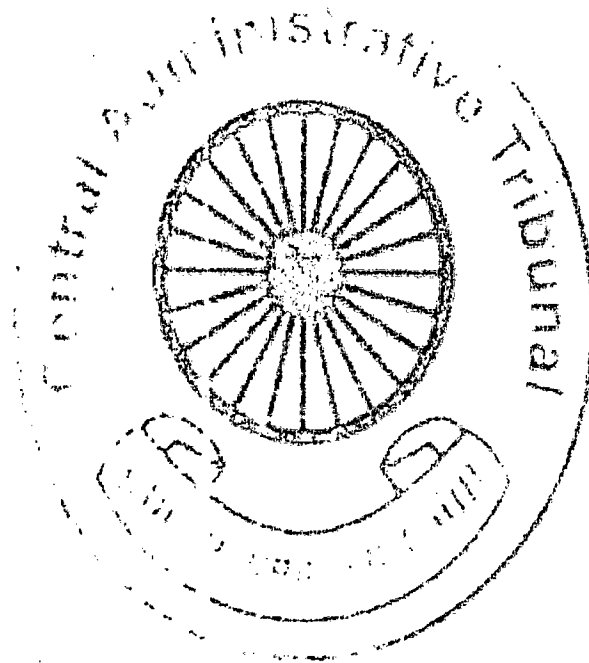
6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2, 4 & 5 within a further period of three months from the date of 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 12.2.2018, 6.3.2018, 26.3.2018 & 4.6.2018 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.

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7. With the aforesaid observation and direction, the O.A. is disposed of.
8. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2, 4 & 5 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.


(A.K. Patnaik)
Judicial Member

SP



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

8. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2, 4 & 5 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.


(A.K. Patnaik)
Judicial Member

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