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AN APPLICATION : SA - 1088 / 2017

Under Section 19 of the Administrative Tribunals Act. 1985

BETWEEN

MR. PROSENJIT GHOSH

son of Late Rabindra Nath Ghosh,
residing at 8/C, Jawpur Road, Dum Dum,
Kolkata-700074

Working as Chargeman (NT/ Stores)

Sec.- MCO, Personal No. 809967

At Metal & Steel Factory, Ishapore

..... Petitioner / Applicant

AND

1. Union of India service through
the Secretary, Ministry of Defence,
Department of Defence Production,
136, South Block, New Delhi - 110011.

2. Senior General Manager/ General Manager,
Metal & Steel Factory,
Ishapore, Nawabgunj
District: 24 Parganas (North)
PIN- 743144

3. Works Manager (Administration),
Metal & Steel Factory,
Ishapore, Nawabgunj

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District: 24 Parganas (North)

PIN- 743144.

.....Respondents.

The humble application of the applicant abovenamed.
Most Respectfully Sheweth :

AC

No. O.A. 350/01088/2017

Date of order: 18.9.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. B.R. Das, Counsel
 Ms. S. Dutta, Counsel

For the Respondents : Mr. S. Banerjee, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. B.R. Das along with Ms. S. Dutta, Ld. Counsel for the applicant and Mr. S. Banerjee, Ld. Counsel for the official respondents.

2. This OA has been filed by Mr. Prosenjit Ghosh, working as Chargeman (NT/Stores), Sec. - MCO, Personal No. 809967 at Metal & Steel Factory, Ishapore challenging non-consideration of MACP (Second) benefits with effect from 18.11.1995 reckoned from appointment of a Store Keeper in Grade 'C' carrying a scale of pay of Rs. 950-1500 and non-consideration of promotion as Jr. Works Manager in Group 'B' (Gazetted) carrying a scale of Rs. 9300-34800/-, GP Rs. 4600/-. This O.A. has been filed praying for the following reliefs:

- "i) Allow the petitioner the first MACP reckoned from his appointment as Chargeman Grade II (later re-designated as Chargeman) with effect from 16.3.2004 as direct recruit through the Limited Departmental Competitive Examination from amongst staff in the Non-technical Stores Organisation.
- ii) Allow the petitioner promotion as a Junior Works Manager in the regular capacity and such promotion having been made effective for the purpose of seniority with effect from 22.12.2015, if not earlier;
- iii) Pay all the arrears on account of (i) and (ii) above forthwith.
- iv) Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) to (iii) above.
- v) Any further order/orders and/or direction or directions as to your Lordships may seem fit and proper.
- vi) Costs."



3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant was appointed as a Storekeeper in the scale of pay of Rs. 950-1500/- (Group 'C' Service) on compassionate ground on 18.11.1995. He was subsequently appointed as Chargeman Grade II (Non-Technical/Stores) through Limited Departmental Competitive Examination on 16.3.2004, which he claims to be treated as direct recruitment. He was entitled for first MACP upgradation on 16.3.2014 reckoning his first appointment as Chargeman on 16.3.2004, which however was not allowed to him. Subsequently some of his juniors got promotion in the cadre of Chargeman w.e.f. 22.2.2015. He preferred representations, which are still 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 No. 2 to dispose of the representation dated 3.3.2016 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicant have been preferred on 3.3.2016 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we 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 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 3.3.2016 has already been disposed of then the result thereof be



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communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

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 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)
Administrative Member

(A. K. Pattnaik)
Judicial Member

SP