

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1095/2017
MA 350/655/2017

Date of order : 23.2.2018

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

**1. WIRELESS PLANNING &
CO-ORDINATION WING (WPC) &
MONITORING NON-GAZETTED
STAFF UNION (ALL INDIA)**
Through its Branch Secretary at Kolkata
Having office at International Wireless
Monitoring Station, IMS Campus,
Budge Budge Trunk Road,
Gopalpur, PO Sarkarpool,
Kolkata - 700143.

2. PRABIR KUMAR MAJUMDAR
S/o Late Rabindranath Majumdar
Working for gain as Jr. Wireless Officer
Under the Ministry of Communications & IT
Dept. of Telecommunication,
Wireless Planning & Co-ordination Wing (WPC)/
Wireless Monitoring Organization and
The Branch Secretary of the applicant No. 1 Union,
R/o 100 R.K.T. Road, Chakraborty Para,
PO - Harinavi
Kolkata - 700148,
West Bengal.

APPLICANTS

VERSUS

1. Union of India,
Through the Secretary,
Dept. of Telecommunication,
Ministry of Communication & IT,
Sanchar Bhawan, 2nd Floor,
20 Ashoka Road,
New Delhi - 110001.
2. The Wireless Advisor to
The Govt. of India,
Sanchar Bhawan, 6th Floor,
20 Ashoka Road,
New Delhi - 110001.
3. The Director,
Wireless Monitoring Organisation,
Wireless Monitoring Headquarters,
Puspa Bhawan, 'E' Wing,
3rd Floor, Madangir Road,
New Delhi - 110062.

4. The Officer-in-charge,
International Wireless Monitoring Station,
IMS Campus,
Budge Budge Trunk Road,
Gopalpur, PO Sarkarpool,
Kolkata - 700143.
5. The Secretary,
Dept. of Personnel & Training,
Govt. of India,
North Block,
New Delhi - 110001
6. The Under Secretary to
The Govt. of India,
Dept. of Telecommunications,
Ministry of Communications,
Sanchar Bhawan,
20 Ashoka Road,
New Delhi - 110001.

...RESPONDENTS.

For the applicant : Mr.K.Sarkar, counsel
Ms.A.Sarkar, counsel

For the respondents: Mr.R.Haldar, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.K.Sarkar, Id. Counsel assisted by Ms. A.Sarkar, Id. Counsel appeared on behalf of the applicants and Mr.R.Haldar, Id. Counsel appeared on behalf of the respondents.

2. MA 655/2017 has been filed for joint petition. Since common interest is involved, MA 655/2017 is allowed under Rule 4(5)(b) of CAT (Procedure) Rules, 1987.

3. By making this OA the applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) to direct the respondents to cancel, withdraw and/or rescind the purported seniority list of Junior Wireless officers as on 1.1.2017 circulated under OM dated 20.3.2017 by the respondent No.6 herein as contained in Annexure A/9 herein;
- b) to direct the respondents to give effect to the merger of Junior Engineer (Wireless) and Jr. Wireless Officer cadres from 1.1.2006 instead of 28.8.2008;

- c) to declare that all the promotions given after 1.1.2006 would cover under the merger of cadres of JE(W) and JWO and thus be recalled;
- d) to direct the respondents to deal with and/or dispose of the representation of the applicants dated April, 2017 as contained in Annexure A/10 herein;
- e) to direct the respondents to extend the benefit of the judgment and order dated 11.3.2015 of the Hon'ble Principal Bench/CAT, New Delhi ;in OA 3038/2013 and MA 2306/2013 (D.S.Rawat & Ors. – vs- UOI & Ors.) to the applicants subsequently upheld partly by the Hon'ble High Court of Delhi at New Delhi in the writ petition (Civil) No. 9109/2015 vide order dtd. 16.8.2016 preferred by the Union of India & Ors. As contained in Annexure A/6 & A/11 herein respectively;
- f) to direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;
- g) and to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper

4. Heard both the ld. Counsels and perused the pleadings and materials on record.

5. Ld. Counsel for the applicants submitted that the applicants will be satisfied if a direction is given to the respondents to consider the representation preferred by the applicants in April, 2017 (Annexure A/10) within a time frame. Ld. Counsel for the respondents submitted that he has no objection if such a prayer is allowed.

6. Accordingly without going into merit, we hereby dispose of the present OA by directing the respondent authorities before whom the representation dated April, 2017 is pending, to dispose of within four months from the date of receipt of the copy of this order by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

7. With the above observation the OA stands disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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