

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/11/4 /2018

In the matter of :-

An application Under Section 19
of the A.T. Act, 1985;

-And-

In the matter of :-

Tusar Kanti Mandal, son of Nirmal
Chandra Mandal, aged about 51 years
working as Executive Engineer (P&A)
o/o The Superintending Engineer
Border Fencing Circle-III
188Z-I, C P W D, Cossimbazar,
Murshidabad, Pin-742102, residing
at E:7/1, Labony Estate, Sector-I
Salt Lake City, Kolkata-700064

... Applicant.

-Versus-

1. Union of India service
through the Secretary,
Ministry of Urban Development
Govt. of India, Nirman Bhawan,
New Delhi-110001.

[Handwritten signature]

2. The Director General of Works,
Central Public Works Department,
Govt. of India, 101A, Nirman
Bhawan, Maulana Azad Road, New
Delhi-110011.

3. Chief Engineer,
Indo Bangla Boarder Zone-I,
CPWD, Nirman Bhawan, Paribahan
Nagar, Siliguri-109 Matigara.

4. Special Director General,
ER, CPWD, Nizam Palace, ... Respondents
K01-700 020.

[Handwritten signature]

- 1 -

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1114/2018

Date of Order: 06.08.2018

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

For the Applicant(s): Mr. K. Sarkar, Counsel
For the Respondent(s): Mr. P. Mukherjee, Counsel

ORDER (ORAL)

Mr. A.K Patnaik, Member (J):

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- "a) To issue direction upon the respondents and their men and agents to cancel, quash set aside the impugned order dated 25.07.2018 forthwith.
- b) To issue further direction upon the respondents and their men and agents to allow the applicant to continue to work in the post of Executive Engineer in terms of the promotion Order dated 11/04/2017.
- c) To produce the connected departmental records in respect of seniority position with the Diploma qualification and grant of promotion as Executive Engineer w.e.f 11/04/2017.
- d) Any other order or orders as the Hon'ble Tribunal deem fit and proper."

2. Heard ld. counsel for the applicant Mr. K. Sarkar and Mr. P. Mukherjee, ld. counsel for the official respondents.

3. Brief facts of this case as narrated by the ld. counsel for the applicant Mr. Sarkar are that the applicant was given promotion to the post of Executive Engineer (Civil) in the Central Engineering Service, Group - 'A' CPWD on ad-hoc basis. The name of the applicant figured at Serial No. 1 of the office order dated 11.4.2017 and in the said office order there is no mention about the reason for degree or diploma. All along his Seniority position was above all and he was eligible to get the promotion as Executive Engineer (Civil) on the basis of his diploma. The grievance of the applicant is that so many juniors

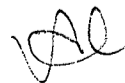


were promoted having the qualification of diploma but all on a sudden on 25th July 2018 the respondents have passed an order reverting the applicant from the post of Executive Engineer to the Assistant Engineer. Challenging the said impugned order of reversion dated 25.7.2018 the applicant has approached this Tribunal by filing the instant O.A.

4. Mr. Sarkar submitted that for the selfsame cause of action an O.A was filed by two persons in the Principal Bench of this Tribunal vide O.A No. 2847/2018 wherein on 03.08.2018 while issuing notice to the respondents the Respondent No. 3 was directed not to take any adverse action on the basis of the order dated 25.07.2018. Mr. Sarkar further submitted that the applicant in this O.A. has filed a detailed representation to the Respondent No. 2 on 24.07.2018 (Annexure A/6) ventilating his grievances regarding deletion of degree in seniority list but received no response from them till date. It is submitted by Mr. Sarkar that the applicant would be satisfied if a direction is given to the Respondent No.2 to consider and dispose of the representation of the applicant dated 24.07.2018 (Annexure A/6) as per rules within a specific time frame.

5. Though no notice has been issued to the respondent authorities, I think it would not be prejudicial to either of the parties, if such prayer of the ld. counsel for the applicant is allowed.

6. Accordingly, the Respondent No. 2, i.e the Director General of Works, Central Public Works Department, Government of India, Nirman Bhawan, New Delhi is directed to consider and dispose of the representation of the applicant dated 24.07.2018 (Annexure A/6) if so pending for consideration, as per rules and regulations governing the field within a period of six weeks from the date of receipt of a copy of this order and communicate the result to the applicant forthwith by way of a well reasoned order. It is made clear that if the representation of the applicant is still pending for consideration then the respondents shall not take any further action in pursuance of the impugned order dated 25.07.2018 so far as the applicant is concerned. It is also made



clear that if in the meantime the representation of the applicant has already been disposed of, then the result of the same shall be communicated to the applicant within two weeks from the date of receipt of this order.

7. I have not gone into the merit of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

8. With the above observations and directions, the O.A is disposed of. No costs.

9. A copy of this order along with paper book be transmitted to Respondent No. 2 & 3 by the Registry through speed post for which ld. counsel for the applicant undertakes to deposit the cost within one week. A free copy of this order be handed over to ld. counsel for the official respondents.

(A.K Patnaik)
Member (J)