

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1114/2017

Date of order : 27.2.2018

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

PRADIP SAHA

S/o Late Braja Gopal Saha,
LDC at Employees Provident
Fund Organisation,
Jalpaiguri Region,
R/o Vill - Sebagram,
PO - Debnagar, PS - Kotwali,
Dist. - Jalpaiguri,
Pin - 735101, West Bengal.

...APPLICANT.

VERSUS

1. Union of India, through
Secretary,
Ministry of Labour & Employment,
Govt. of India,
Central Provident Fund Commissioner,
Having head Office at
14 Bhikaji Cama Place,
New Delhi - 110066.
2. The Director,
National Commission for
Schedule Caste,
Govt. of India,
Mayukh Bhawan (Ground Floor)
Salt Lake City,
Kolkata - 700091.
3. The Additional Central provident
Fund Commissioner,
West Bengal, NER & Jharkhand,
Having office at
DK Block, Sector II,
Salt Lake City, Karunamoyee,
Kolkata - 700091.
4. The Regional Provident Fund
Commissioner - I,
Having office at
DK Block, Sector II,
Salt Lake City, Karunamoyee,
Kolkata - 700091.
5. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organisation,
Having office at
DK Block, Sector II,
Salt Lake City, Karunamoyee,
Kolkata - 700091.

6. The Regional Provident Fund Commissioner-II,
Having office at
Bhavishya Nidhi Bhawan,
Siliguri-Jalpaiguri Development
Authority Building,
Dinbazar, PO & PS - Jalpaiguri,
Pin - 735101.

...RESPONDENTS.

For the applicant : Mr.T.K.Biswas, counsel

For the respondents: None

O R D E R

Per Ms. Manjula Das, Judicial Member

Mr.T.K.Biswas, Id. Counsel appeared for the applicant. None appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order directing the respondents to give notional benefit of promotion to the post of Lower Division Clerk (LDC) from the date when the private respondent Nos. 7 and 8 were given promotion to the post of Lower Division Clerk (LDC) as per Office Order No. T-257 dated 15.9.2003 being Annexure A/2 herein and to give all other consequential benefits;
- b) An order directing the respondents to produce all relevant records before this Hon'ble Tribunal for conscionable justice;
- c) Any other order or further order/orders and/or direction/directions as to this Hon'ble Tribunal may deem fit and proper.

3. The brief facts of the case as narrated in the instant OA is that, the applicant joined as Peon/MTA on 12.1.1996 and completed five years of continuous service in 2001. The department published a vacancy list for promotion to the post of Lower Division Clerk on 15.9.2003 showing vacancy position as General-12, SC-1, ST-NIL, total 13. In that list the applicant was at Serial No. 93 but surprisingly the department deprived the applicant by giving promotion to the private respondent who was at Serial No. 123 and an OBC candidate. The applicant has submitted that there was no reservation for any OBC or ST candidate. As per the roster published for promotion of total 13



persons, 6th position was secured for Schedule Caste candidate and the applicant was the most suitable person for the said post. The applicant represented before the respondent authorities on 1.6.2007 and 17.8.2007.

It is further stated that after completion of 12 years on 12.1.2008 the applicant has not been given the benefit under Assured Career Progression (ACP) Scheme. The applicant has made representations on various dates and the last one being on 6.9.2010 for getting benefit under ACP scheme and for promotion to the post of Lower Division Clerk. The respondents vide letter dated 26.10.2010 intimated the applicant that benefit under ACP scheme cannot be given and only 3% benefit on Grade pay will be given from 12.1.2008.


On 22.9.2011 the applicant was promoted to the post of Lower Division Clerk, which he was ought to get in 2003. The applicant made representation on 31.5.2017 praying for notional benefit from 2003 when he was entitled to get the promotion. According to the applicant due to non action on the part of the respondents he was deprived from his legitimate claim as a Schedule Caste candidate. Being aggrieved the applicant has filed the instant OA.

4. We have heard the ld. Counsel for the applicant and perused the pleadings and materials placed before us.

5. From the relief portion it is crystal clear that the applicant has prayed for a direction on the respondents to give notional benefit of promotion to the post of Lower Division Clerk from the date when the private respondent Nos. 7 and 8 were given promotion and to give other consequential benefits. From the records we find that the respondent authorities have already dealt with the matter and the applicant was intimated by letter dated 26.10.2010 which reads as hereunder :

"In this connection it is stated that the benefit under ACP scheme in respect of Sh Pradip Kumar Saha, MTA will be effective from 12.1.2008 if otherwise found fit. The same is under consideration.

With reference to the representation dated 6.9.2010, issue by Sh Pradip Saha, MTA, Regional Office, Jalpaiguri it is stated that 13 point Roster could not be made applicable since total sanctioned strength of LDC at that time was 264. Thirteen Gr. D officials i.e. 5% of total sanction strength (ratio SC @ 15%, ST @ 7.5.%) were offered promotion to the post of Lower Division Clerk under Department Promotion



(Seniority Quota) vide order No. T-257 dated 17.9.2003 as per recommendations of the Department Promotion Committee, after perusal of Categorical vacancy due for GL-12, SC-1 and ST-nil.

The promotion was on seniority-cum-fitness basis and all the thirteen officials recommended by DPC on 15.9.2003 for promotion to the post of Lower Division Clerk under seniority quota were senior to Sh Pradip Saha vide this office order No. T-257 dated 17.9.2003.

The official concerned may be informed accordingly."

Therefore we are of the view that since the department has already dealt with the matter there is nothing further to be adjudicated.

6. Accordingly the OA stands dismissed. No order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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