

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/1185/2017
M.A. 350/730/2017

Date of Order: 05.07.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Koushik Das, son of Shri S. R. Das, aged about 42 years, residing at 74/B/1A, Rahim Ostagar Lane, Lake Gardens, Kolkata- 700045 and working to the Post of Laboratory Assistant in the office Of Central Forensic Science, Ministry of Home Affairs, Government of India, 30, Gorachand Road, Kolkata- 700014.
2. Saadip Patra, son of Shri Anil Chandra Patra, aged about 46 years, residing at CPWD Quarters No. 09, B Block, Labony, Salt Lake, Kolkata- 700064 and working to the post of Laboratory Assistant in the office of Central Forensic Science Laboratory Directorate of Forensic Science, Ministry of Home Affairs, Government of India, 30, Gorachand Road, Kolkata- 700014.
3. Arbind Kumar Sinha, son of Shri G.S. P. Sinha, residing at 35/1, Dr. K. D. Mukherjee Road, Behala, Kolkata- 700060 and working To the post of Laboratory Assistant in the ' Office of Central Forensic Science Laboratory, Directorate of Forensic Science, Ministry of Home Affairs, Government of India, 30, Gorachand Road, Kolkata- 700014.
4. Debasish Bhattacharjee, son of Shri Amal Kanti Bhattacharjee, residing at 20/49/1-D, Biplab Barin Ghosh Sarani, Kolkata- 700067 and working to the post of Laboratory Assistant in the office of Central Forensic Science Laboratory, Directorate of Forensic Science, Ministry of Home Affairs, Government Of India, 30, Gorachand Road, Kolkata- 700014.

.....Applicant.

-versus-

1. Union of India, service through the secretary,
Government of India, Ministry of Home Affairs,
North Block, New Delhi- 110001.
2. The Chief Forensic Scientist, Government of
India, Ministry of Home Affairs, Directorate
Of Forensic Science, Block No. 9, 8th Floor,
CGO Complex, Lodhi Road, New Delhi-110003.
3. The Director, Central Forensic Science Laboratory,
Kolkata, Directorate of Forensic Science, Ministry
Of Home Affairs, Government of India, 30,
Gorachand Road, Kolkata- 700014.

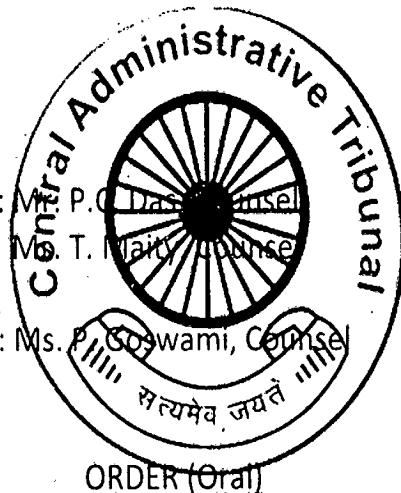
.....Respondents.

For the Applicant

: Mr. P. C. Das, Counsel
: Mr. T. Maty, Counsel

For the Respondents

: Ms. P. Goswami, Counsel



ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard Id. Counsel for both the parties.

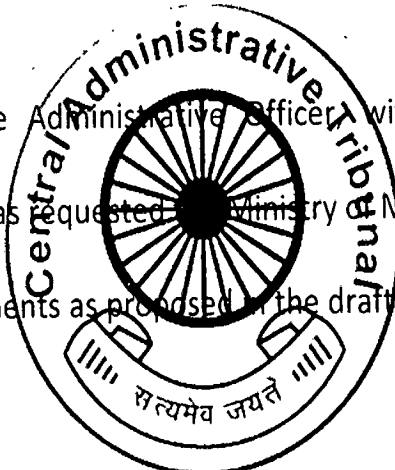
2. In view of identical issues raised by all the applicants seeking identical reliefs, MA. 730 of 2017 seeking liberty to pursue the remedies jointly, is allowed.
3. The applicant no. 2 Sandip Patra, the senior most Laboratory Assistant in CFSL, Kolkata preferred a representation seeking finalization of the Recruitment Rules for the post of Senior Scientific Assistant, upon merger of Senior Scientific Assistant and Scientific Assistant in 2016 in pursuance of the 6th CPC's recommendation, and his promotion to the post of Sr. Scientific Assistant, CFSL.

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He was informed by a communication dated 21.07.2015, by the Senior Scientific Officer Gr. I (FS), that the "Recruitment Rules in respect of merged posts are in the process of finalization/notification. Accordingly, the recruitment process for filling up the vacant posts in the merged grade will be initiated after the notification of the proposed Recruitment Rules".

4. Ld. Counsel for applicants would invite our attention to a note as contained in Annexure A-13 (collectively) to the OA, dated 24.03.2017, wherefrom it is evident that the process of finalization of the draft Recruitment Rules for the post of Senior Scientific Assistant is under way and the promotional avenue for Laboratory Assistants with 6 years service in the grade has been proposed to Senior Scientific Assistant.

On 24.03.2017 the Administrative Officer, with the approval of Chief Forensic Scientist, DFSS has requested the Ministry of MHA to examine the matter and approve the amendments as proposed in the draft Recruitment Rules for that post.



5. Since more than one year has elapsed since then and it is submitted that several departmental candidates, who are eligible to be considered for post of Senior Scientific Assistant, ^{are} all being deprived of their timely promotion, we dispose of the OA with a direction upon the respondent no. 1 or any other competent authority to look after the matter, act in accordance with law so that Recruitment Rules are finalized expeditiously and preferably by 6 months and as and when the same is finalized, the departmental candidates get their due promotion in terms of the amended Recruitment Rules.

6. Ld. Counsel for applicant apprehends that in terms of the letter dated 24.08.2017, whereby a requisition has been placed before the Regional Director (Eastern Region), SSC even before finalization of the Recruitment Rules for the post of Senior Scientific Assistant in CFS, the respondents would be filling up one post of Sr. Scientific Assistant (Physics) from OBC category as per requisition. However, we do not find any documents to substantiate the fact that an officer has been already nominated for promotion in terms of the requisition, and therefore there is no basis of such apprehension.

7. Accordingly, OA would stand disposed of. No order is passed as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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