



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

No.O.A. 350/1456/2017

Date of order : 28.11.2017

Coram : Hon'ble Ms. Manjula Das, Judicial Member

Hon'ble Dr.(Ms.) Nandita Chatterjee, Administrative Member

AMITESH DAS, aged about 47 years,
Son of Late Atul Krishna Das, residing at
Hariharpur, Kayasthpara, Post Office-Mallickpur,
Police Station-Baruipur, Kolkata-700145 and
working to the post of Lower Division Clerk(Stores)
at Canteen Stores Department, Kolkata Depot,
Red Road Camp, Fort William, Kolkata-700021

.....Applicant

- VERSUS -

1. UNION OF INDIA service through the Secretary, Ministry of Defence, Government of India, South Block, New Delhi-110001;
2. THE GENERAL MANAGER, Government of India, Ministry of Defence, Canteen Stores Department, "ADELPHI" 119, Maharshi Karve Road, Mumbai-400020;
3. THE ASSISTANT GENERAL MANAGER(Personnel), Government of India, Ministry of Defence, Canteen Stores Department, "ADELPHI" 119, Maharshi Karve Road, Mumbai-400020;
4. THE AREA MANAGER, Government of India, Ministry of Defence, Canteen Stores Department, Kolkata Depot, Red Road Camp, Fort William, Kolkata-700021;
5. RAVI NARAYAN, working as Store Keeper Grade-III in the office of Area Depot Manager, Canteen Stores Department, near Jalandhar Club, Jalandhar Cantonment, Punjab-144005
6. SANJAY JAIRWAN, working as Lower Division Clerk(Stores) in the office of Area Depot Manager, Canteen Stores Department, Aragh, 61, E.C. Road, Dehradun Cantonment, Uttarakhand;

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7. SANTOSH KUMAR JINDAL, working as Lower Division Clerk (Stores) in the office of Area Depot Manager, Canteen Stores Department, Station Road, Agra Cantonment-282001
8. RATTAN KUMAR JHA, working as Lower Division Clerk(Stores), in the office of Area Depot Manager, Canteen Stores Department, Kolkata Depot, Red Road Camp, Fort William, Kolkata-70021;
9. GAJPAL SINGH, working as Lower Division Clerk (Stores) in the office of Area Depot Manager, Canteen Stores Department, Araghara, 61, E.C. Road, Dehradun Cantonment, Uttarakhand;
10. SANJAY NARULA, working as Lower Division Clerk, (Stores), in the office of Area Depot Manager, Canteen Stores Department, Meerut, 49, B.C. Line, Post Box No.49E, Meerut-250001;
11. MAHESH K. SRIVASTAVA, working as Lower Division Clerk(Stores) in the office of Area Depot Manager, Canteen Stores Department, Jail Road, P.O. Box No.1002, Lucknow-226001, Uttar Pradesh.
12. VIJAY K. SHARMA, working as Lower Division Clerk(Stores) in the office of Area Depot Manager, Canteen Stores Department, Kolkata Dépot, Red Road Camp, Fort William, Kolkata-700021;
13. VIDYAPATHI MISHRA, working as Lower Division Clerk(Stores) in the office of Area Depot Manager, Canteen Stores Department, Post Office-Baghdogra, District. Darjeeling, Baghdogra Cantonment-734422

..... Respondents

For the applicant : Mr. P.C. Das, counsel

For the respondents : Mr. B.B. Chatterjee, counsel

ORDER (ORAL)

Dr. Nandita Chatterjee, Administrative Member

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 seeking a direction upon the

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respondents to quash and/or set aside the impugned amended seniority list issued vide order dated 26.05.2016 and impugned seniority list issued vide communication dated 21.04.2017 both qua the cadre of LDC(s) on the ground that in the said seniority lists the name of the applicant has been placed below that of the private respondents.

2. Ld. counsel for the applicant draws our attention to Annexure A-7 to the O.A. citing a circular of the respondents dated 11.10.2002, para 'B' of which states as follows:-

"b) Reclassification will be allowed only once and any request for reverting to the original cadre will not be entertained. It may be informed/brought to the notice of the individuals that they will be placed en bloc junior to those who have already been reclassified as LDC(S)."

3. It is also seen that on 08.05.2017(Annexure A-14) a subsequent circular has been issued by the respondent authorities regarding Change of cadre without clarifying whether the earlier circular dated 11.10.2002 has been modified/amended or revised while issuing the subsequent order.

4. Ld. counsel for the applicant draws our attention to a circular of the respondent authorities dated 07.09.2017(Annexure A-15) wherein an eligibility list for promotion to the post of Group 'B' and Group 'C' employees were circulated requesting the employees to bring to the notice of the respondents any objection to the same within 25.09.2017. On 15.09.2017, which is well within the last date of submission of objection, the applicant had preferred his objection against the same which appears to be pending at the level of the respondents. Ld. counsel for the applicant submits that presently it will suffice if an instruction

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is issued to the respondents to consider the application of the applicant dated 15.09.2017(Annexure A-16) in the light of the circular dated 11.10.2002.

5. Id. counsel for the respondents is also present and heard.

6. Hence, it is directed that the concerned Respondent No.2 will dispose of the representation dated 15.09.2017(Annexure A-16) if received at his end within a period of 4 weeks from the date of receipt of this order. While deciding the same, the Respondent No.2 is directed to examine the application of the circular dated 11.10.2002(Annexure A-7). The decision so arrived at should be communicated to the applicant within a period of one week thereafter.

7. The Id. counsel for the applicant also submits that vide a communication dated 10.10.2017(Annexure A-17) an amended list of eligible candidates for the post of Store Keeper-III as on 1st April, 2017 have been published without considering the representation of the applicant at Annexure A-16 of the O.A. Hence, the balance of convenience being in favour of the applicant, it is further directed that until disposal of his representation by the respondent authorities, the amended list of Store Keeper-III as on 1st April, 2017(Annexure A-17) will not be given effect to in respect of the applicant and the private respondents.

8. With the above observations, the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member
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(Manjula Das)
Judicial Member