



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1519/2016

Date of order : 26.4.2017

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

ASHIM KUMAR SARKAR
S/o Late Amulya Ratan Sarkar,
Working as Assistant,
Under Central Reference Library,
Govt. of India,
Ministry of Culture,
Belvadere,
Kolkata - 700027,
R/o Uttarayan,
N.S.Road, Hridaypur,
P.S. - Barasat,
Kolkata.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Culture,
Govt. of India,
Library Section,
Sastri Bhawan,
New Delhi - 110115.
2. The Director,
Govt. of India,
Ministry of Culture,
Deptt. of Culture,
Library Section,
Sastri Bhawan,
New Delhi - 110115.
3. The Librarian,
Central Reference Library,
Govt. of India,
Ministry of Culture,
Belvedere,
Kolkata - 700027.

...RESPONDENTS.

For the applicant : Mr.N.Roy, counsel

For the respondents: None

O R D E R

Mr.A.K.Patnaik, J.M.

Hcard Mr.N.Roy, Id. Counsel appearing for the applicant. None appeared
for the departmental respondents.

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2. This OA has been filed by the applicant being aggrieved by non-consideration of the representation, under Section 19 of the A.T.Act, 1985 seeking the following relief :

- a) to issue direction upon the respondents to give the promotional post of Accounts-cum-Administrative Officer according to the method of recruitment rules;
- b) to issue further direction upon the respondent to give promotion to the applicant where the advertisement issued by the respondent authority and according to that the applicant is entitled to the said post forthwith;
- c) to issue further direction upon the respondent to consider the representation dated 21.7.2016 and 14.9.2016 forthwith;
- d) any other order or orders as the Learned Tribunal deem fit and proper;
- e) to produce connected departmental record at the time of hearing.

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant is aggrieved due to the fact that the applicant has applied for the post of Accounts-cum-Administrative Officer and according to advertisement dated 13/19th August, 2016 the respondent authority is going to fill up on deputation without considering the case of the applicant though Grade Pay of post of Superintendent and Grade Pay of Assistant is Rs.4200 as per 6th Central Pay Commission and existing Recruitment rules should be amended within six months on priority basis and the applicant got Grade Pay Rs.4600/- under the benefit of MACP. So the applicant is entitled for the said post according to the method of Recruitment Rules. But the respondents have not considered the matter. The applicant made representations on 21.7.2016 and 14.9.2016 to the authority concerned but till date the respondent authorities have not considered the representation. The applicant is about to retire.

Hence this application.

4. Mr.Roy fairly submitted that the grievance of the applicant will be more or less addressed if a direction is issued to the respondent No.2 to consider the representation preferred by the applicant on 14.9.2016 (Annexure A/6 to the OA) and pass appropriate orders within a specific time frame.

WLL

5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of at the admission stage by directing the respondent No.2 to consider the representation dated 14.9.2016, if any such representation has been preferred by the applicant and the same is still pending consideration and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within 3 months from the date of receipt of this order.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said respondent No.2 to consider the same as per the rules and regulations in force, still then I hope and trust that while considering the said representation respondent No.2 will also keeping in mind the Recruitment Rules so prescribed for the post and applicability of the same rules in case of the applicant. After such consideration, if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of 2 months from the date of such consideration to extend the benefit of promotion to the applicant.

7. However, I also made it clear that if in the meantime the said representation has already been considered and disposed of, the result be communicated to the applicant within a period of 4 weeks from the date of receipt of this order.

8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

9. As prayed for by Mr.Roy, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(A. AIK)
MEMBER (J)