



CENTRAL ADMINISTRATIVE TRIBUNAL,  
CALCUTTA BENCH  
KOLKATA

OA No.350/01615/2015

Date of Order: 26.11.2015

PRESENT:

THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER  
THE HON'BLE MS JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

SRI ASHOKE LAL CHATTERJEE

-VS-

UNION OF INDIA & ORS. (MSPI)

For the Applicants : Mr. S.K. Datta, Counsel

For the Respondents : Mr A.K. Chattopadhyay, Counsel

ORDER

JUSTICE G. RAJASURIA, JM:

Heard both. This O.A has been filed seeking the following reliefs :

"8(a) An order directing the respondents to consider the case of the applicant for his retrospective promotion at par with his erstwhile immediate junior who got promotion to SAG grade by order dated 11.12.2009 by antedating his date of regular promotion to SAG grade with all consequential benefits including seniority.

(b) An order directing the respondents to grant non-functional upgradation to the applicant from the date when his batch mates were granted such upgradation to SAG prior to the date of retirement of the applicant from service.

c) An order directing the respondents to produce/cause production of all relevant records.

d) Any other order or further order/orders as to this Hon'ble Tribunal may deem fit and proper."

2. When this Bench raised certain queries concerning service of notice on respondents the learned counsel for the respondent No.3 took time and now clarified that as per the affidavit of service, the Respondent No.1 & 2 were served and as per internet

status the copies were delivered to the respective respondents. As such we proceed further to decide this matter.

3. Learned counsel for the applicant placing reliance on our earlier order dated 09.09.2015 passed in O.A.350/01434/2014 in the matter of Sudip Kumar Ray would develop his argument that S.K.Ray was shown as junior to the applicant in the Office Order dated 14.12.2012, and the earlier order of CAT in favour of S.K.Ray would show that consequent upon upgradation of his grade in the APAR, he was given benefit of enjoying the promotion from Non Functional Selection Grade (NFSG) to Senior Administrative Grade (SAG) with effect from 11.12.2009; earlier he was given the benefit only prospectively with effect from 14.12.2012. The learned counsel for the applicant would pray for passing similar order so to say to give effect to the office order dated 14.12.2012 in respect of the applicant with effect from 11.12.2009.

4. Learned counsel for the UPSC has nothing to say in this matter.

5. In as much as already our order cited supra is on record, we are of the view that no exception can be carved out in respect of the applicant who got "Good" upgraded to "Very Good" and he was entitled to get promotion from the stage of NFSG to SAG on regular basis with effect from 11.12.2009 with all consequential benefits and accordingly it is ordered in his favour.

O.A is disposed of. No costs.

(Jaya Das Gupta)  
Member (Admn.)

(Justice G. Rajasuria)  
Member (Judl.)