

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. OA 350/210/2018

Date of order : 10.4.2018

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

**ANUPAM LAHIRI**

S/o Late Asit Kumar Lahiri,  
Working as Director,  
Coal Controller's Organization,  
1, Council House Street,  
Kolkata,  
R/o Jhorehat-Rajarbagan,  
PO - Andul-Mouri,  
Dist. - Howrah,  
Pin - 711302.

...APPLICANT

VERSUS

1. Union of India, service through  
The Secretary,  
Ministry of Statistics &  
Programme Implementation  
(ISS Division),  
Sardar patel Bhavan,  
Sansad Marg,  
New Delhi - 110001.
2. The Director (ISS),  
Ministry of Statistics &  
Programme Implementation  
(ISS Division),  
Sardar patel Bhavan,  
Sansad Marg,  
New Delhi - 110001.
3. The Dy. Director (ISS),  
Ministry of Statistics &  
Programme Implementation  
(ISS Division),  
Sardar patel Bhavan,  
Sansad Marg,  
New Delhi - 110001.
4. The Secretary,  
Dept. of food &  
Public Distribution,  
Krishi Bhavan,  
New Delhi - 110001.
5. The Chairman & Managing Director,  
Food Corporation of India,  
16-20 Barakhamba Lane,  
New Delhi - 110001.

6. The Executive Director (Transport/FCI)  
16-20 Barakhamba Lane,  
New Delhi - 110001.

For the applicant : Mr.M.K.Bandyopadhyay, counsel  
Ms. Oindrila Chatterjee, counsel

For the respondents: None

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

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

- a) For an order directing the respondents concerned to give the applicant his due Non-Functional Upgradation (NFU) Senior Administrative Grade (SAG) in level 14 of the pay matrix as per 7<sup>th</sup> CPC with effect from 18<sup>th</sup> September 2017 that is the date when the 25 junior candidates of the applicant were upgraded;
- b) For an order directing the respondent concerned to include the name of the applicant in the panel/office order dated 8<sup>th</sup> January, 2018 for granting Non-Functional Upgradation (NFU) to Senior Administrative Grade (SAG) with all consequential benefits;
- c) Any other orders or further orders as may deem fit and proper.

2. The brief fact of the case as narrated by the Id. Counsel for the applicant is that the applicant entered as Probationer in Indian Statistical Service (ISS) on 1.9.1998 and after probation he was posted as Assistant Director in the Central Statistics Office on 1.9.2000. Thereafter in September 2003 he was promoted to the post of Deputy Director and in July 2008 he was further promoted to the post of Joint Director. The said promotion was regularized in December 2010. On 25.6.2012 the applicant went on deputation to the Food Corporation of India as General Manager (Movement) and worked there till repatriation to ISS at Kolkata on personal ground. At present he is working at Coal Controller's organization, Kolkata. On 8.1.2018 ISS issued an office order by which 25 juniors were granted Non-Functional Upgradation (NFU) to Senior Administrative Grade (SAG) w.e.f. 18.9.2017 except the applicant. Hence the applicant has approached this Tribunal in the present OA.

3. We have heard both the Id. Counsels and perused the pleadings and materials placed before us.

After perusing the pleadings we are of the opinion that the applicant has not exhausted alternative remedies as per Section 20 of the Administrative Tribunals Act, 1985. Therefore without going into the merits of the case, we dispose of the OA by directing the applicant to file a comprehensive representation within 15 days from the date of receipt of the order. On receipt of such comprehensive representation the respondents shall consider and dispose of the same and pass a reasoned and speaking order within a period of three months from the date of receipt of the copy of this order. The decision so arrived shall be communicated to the applicant forthwith.

5. With the above direction and observation the OA stands disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

In

