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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00245/2015

Date of order : 1.12.2016

Present: Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

MONOJIT ADHIKARY & ORS.

VS

UNION OF INDIA & ORS.

For the applicant : Mr.S.K.Dutta, counsel
Mr.B.Chatterjee, counsel

For the respondents : Mr.D.Mukherjee, counsel

O R D E R (ORAL)

Justice Shri V.C.Gupta, J.M.

Heard ld. Counsel for the applicant and ld. Counsel for the respondents.

2. In view of the order passed by the Principal Bench on 22.4.16 the matter was kept in abeyance till the similar matter pending before the Chandigarh Bench of CAT is disposed of. Today the copy of the judgment of the Chandigarh Bench is placed on record. The order passed on 4.10.16 in OA 133/15 contains the following directions which are extracted hereinbelow :

"Consequently in order to balance the equities so that neither promotes of seniority quota nor promotes of LDCE quota suffer nor functioning of official respondents is hampered due to stalling of promotion under both the quotas, necessary directions are being issued. Official respondents have already filed an interim application in Hon'ble High Court of Kerala for vacation of interim status quo order. They may pursue the same sincerely in Hon'ble High Court for expeditious disposal thereof for vacation or suitable modification of interim status quo order or for early final disposal of the Writ Petition itself by Hon'ble High Court of Kerala so that promotions under seniority quota may also be made without delay.

In addition to the aforesaid, it is directed that promotions under LDCE quota for 2010-11 or even for subsequent years shall be made only after making of proposed amendment. In RRS relating to inter-seniority of promotes under both the quotas to be applicable from the vacancy year 2009-10 onwards as mentioned above. In the promotion orders also, condition shall be incorporated regarding inter-seniority of promotes of both the quotas on the lines stated. In affidavit dated 19.9.16 and information dated 21.9.16 as mentioned above and undertaking to the same effect shall also be taken from the promotees of LDCE quota. Those refusing to give any such undertaking may not be promoted. IN this manner, interest of promotees of both the quotas will be safeguarded and neither seniority quota promotees nor LDCE quota

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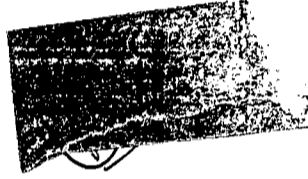
promotes shall suffer and official respondents shall also be able to function smoothly by making promotions under LDCE quota. It is also directed that as and when interim status quo order is vacated or modified or Writ Petition is finally disposed by Hon'ble High Court of Kerala, promotion under seniority quota shall be made expeditiously. The OA stands disposed of accordingly with no order as to costs."

3. As per consent of the parties the matter is disposed of in view of the order passed by the Chandigarh Bench. Therefore no further order is required to be passed.

4. The OA is therefore disposed of. No order is passed as to costs.



(JAYA DAS GUPTA)
MEMBER (A)



(JUSTICE V.C. GUPTA)
MEMBER (J)

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