

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/00334/2017

Date of order: 23.3.2017

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

Pranab Kumar Das,
Son of Late Kuntal Kumar Das,
Aged about 50 years,
Working for gain as Office Superintendent in
The Office of the Superintending Engineer,
Kolkata Central Circle – I, CPWD,
Govt. of India, Kolkata – 700 020;
Residing at present at Bhawani Complex,
P.S. Baguiati, Block – N, Krishnapur,
Flat No. 1D, Kolkata – 700 102 and
Permanently at Chandpara, Gaighata,
P.S. Dhakuria Kalibari, Dist. 24 Pgs. (N),
Pin – 743 246.

.. Applicant

- VERSUS -

1. Union of India through the
Secretary,
Ministry of Urban Development, Nirman Bhawan,
New Delhi – 110 011.
2. The Director General,
Central Public Works Department,
Govt. of India, Nirman Bhawan,
New Delhi – 110 011.
3. The Special Director General,
Eastern Region,
CPWD, Govt. of India,
5th Floor, 1st MSO Building,
Nizam Palace, 234/4, AJC Bose Road,
Kolkata – 700 020.
4. The Chief Engineer,
Eastern Zone-I,
CPWD, Govt. of India,
5th Floor, 1st MSO Building,
Nizam Palace, 234/4, AJC Bose Road,
Kolkata – 700 020.
5. The Superintending Engineer,
Kolkata Central Circle-I,
CPWD, Govt. of India,
3rd Floor, 1st MSO Building,
Nizam Palace, 234/4, AJC Bose Road,
Kolkata – 700 020.

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6. The Deputy Director (Admn.),
II, Office of the Director General,
EC-IV (SC) Section,
CPWD, Govt. of India,
Nirman Bhawan,
New Delhi – 110 011.
7. The Deputy Director (Admn.) III,
Office of the Director General,
CPWD, Govt. of India,
Nirman Bhawan, New Delhi – 110 011.
8. The Deputy Director (Admn.) IV,
Director General of CPWD,
Govt. of India,
Nirman Bhawan,
New Delhi – 110 011.

.. Respondents

For the Applicant : Mr. K. Sarkar, Counsel
For the Respondents : Mr. A. Mondal, Counsel

ORDER (Oral)

Heard Mr. K. Sarkar, Ld. Counsel for the applicant and Mr. A. Mondal, Ld. Counsel for the respondents.

2. This Original Application has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging the purported order of promotion of the applicant from the post of OS to AAO dated 29.12.2016 against the vacancies of the year 2016-2017 posting him under the ADG (ER) II, Guwahati, Assam from Kolkata Office by order dated 11.1.2017 rejecting the representation of the applicant for allowing him to stay at Kolkata upto the tenure period of 10 years and non-consideration of his representation dated 2.2.2017 and order dated 6.3.2017 directing the applicant to join his place of posting on promotion by 15.3.2017 with the following reliefs:-

"i. To direct the respondents to cancel, withdraw and/or rescind the office order dated 29.12.2016 insofar as it relates to the applicant; office order dated 11.1.2017 insofar as it relates to the applicant and office order dated 6.3.2017; as contained in Annexures "A-1", "A-3" & "A-5" herein respectively.

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ii. To direct the respondents to give promotional posting to the post of AAO to the applicant at Kolkata instead of Guwahati, Assam following the departmental rules and specifically the Vigilance Deptt.'s guidelines in this respect.

iii. To direct the respondents to deal with and/or dispose of the representation of the applicant dated 2.2.2017 as contained in Annexure "A-4" herein;

iv. To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;

v. And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

3. The facts of the case in a nut shell are that this application is directed against the purported order of promotion of the applicant from the post of OS to AAO dated 29.12.2016 against the vacancies of the year 2016-2017 posting him under the ADG (ER) II, Guwahati, Assam from Kolkata by office order dated 11.1.2017 rejecting his representation for allowing him to stay at Kolkata upto the tenure period of 10 years, non-consideration of representation of the applicant dated 2.2.2017 and order dated 6.3.2017 directing the applicant to join his place of posting on promotion by 15.3.2017 while his representation dated 2.2.2017 was still pending consideration before the respondent No. 4.

4. Mr. K. Sarkar, Ld. Counsel submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondents No. 4 to dispose of the representations dated 2.02.2017 within a specified time frame.

5. Therefore, without waiting for the reply I think it appropriate to dispose of this O.A. by directing the respondent No. 4 that if any such representation has been preferred on 2.02.2017 and is still pending consideration then the same may be considered and disposed of within a period of three months under communication to the applicant and till such

time status quo as on date so far as continuance of the applicant be maintained.

6. As prayed by Mr. K. Sarkar, a copy of this order along with paper book be transmitted to the respondents No. 4 by speed post for which he undertakes to deposit necessary cost by 5.4.2017.


(A.K. Patnaik)
Judicial Member

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