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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 350/00349/2018

Date of Order: 15.03.2018

Present: Hon'ble Mrs. Manjula Das, Judicial Member

Chandan Som, son of Late Amarendra Kumar Som
 Aged about 47 years, working as Chief Law Assistant
 Under Chittaranjan Locomotive Works
 Chittaranjan, residing at 22, Ganapati Avenue
 P.O. & P.S. – Chittaranjan, District – West Bardhaman
 West Bengal, Pin – 713331.

...Applicant

-Versus-

1. Union of India, service through General Manager, Chittaranjan Locomotive Works, Chittaranjan Locomotive Works, Chittaranjan, P.O. & P.S. – Chittaranjan, District – Burdwan, West Bengal, Pin – 713331.
2. General Manager, Chittaranjan Locomotive Works, Chittaranjan, P.O. & P.S. – Chittaranjan, District – Burdwan, West Bengal, Pin – 713331.
3. Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan, P.O. & P.S. – Chittaranjan, District – Burdwan, West Bengal, Pin – 713331.
4. Assistant Personnel Officer (G), Chittaranjan Locomotive Works, Chittaranjan, P.O. & P.S. – Chittaranjan, District – Burdwan, West Bengal, Pin – 713331.

...Respondents

For the Applicants : Mr. B. Chatterjee & Mr. S.K. Dutta

For the Respondents : Mr. A.K. Banerjee



ORDER (ORAL)MRS. MANJULA DAS, MEMBER (J):

The applicant herein approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

"8.(a) An order directing the respondent authorities to give effect to the departmental promotional proceedings for upgradation to Group 'B' post of Law officer in Level 8 Pay Matrix of the applicant as per the panel 09.10.2017 with retrospective effect and give posting order immediately;

(b) An order directing the respondent authorities to consider and/or adjudicate the grievances depicted in the representation of the applicant dated 23.11.2017.

(c) An order directing the respondent authorities to give effect from 30.05.2016 to the departmental promotion proceeding held on 03.10.2017 and approved on 07.10.2017 in terms of the Railway Board Circular dated 25.08.2017.

(d) The respondent Authorities may kindly be directed to act as per constitutional mandates conforming the principles of equity, equality and good conscience while considering the grievances of the applicant as made out in his letter dated 23.11.2017.

(e) An order directing the officials of the respondents to produce/cause production of all relevant records pertaining to the instant matter.

(f) And to pass any other order or orders, direction or directions as Your Lordships may deem fit and proper."



2. Heard Mr. B. Chatterjee, learned counsel for the applicant and Mr. A.K. Banerjee, learned counsel for the respondents. Perused the pleadings and the materials placed on record.

3. In the present case, the issue relates to the upgradation to Group 'B' post of Law Officer in Level 8 Pay Matrix of the applicant as per the panel dated 09.10.2017.

4. The learned counsel for the applicant has drawn my attention to the Annexure-3, page 22 to the O.A. regarding 'Posting on promotion to the post of Law Officer in Group 'B' service which is being reproduced below:-

"Shri Chandan Some, CLA has been empanelled for promotion to the post of Law Officer in Group 'B' service vide Panel No. GMA/CON/LO/2017 dated 09/10/2017. (SN-25)

Now, CPO may please decide the place of posting of Shri Chandan Som and obtain approval of General Manager, if agreed to please."

5. From the Noting of the department, it appears in page 22 & 23 that the matter has been sent to the GM for approval where the higher authority holding the post of the applicant on the basis of a complaint in regards to the Law Degree of the person concerned that is 13.10.2017. Thereafter the matter was routed one after another and after verification, the authority found the genuineness of LLB Certificate where the Noting reads as hereunder:-



"The LLB certificate had been verified and found genuine."

6. Now the question comes, on verification, if the department found the LLB Degree of the applicant as genuine, then there is no logic to hold the posting of the applicant despite his case for displacement in upgradation in Level – 8 Pay Matrix had been recommended by the Selection Committee held on 03.10.2017.
7. After taking into entire conspectus of the case, I find that, it is a fit case to entertain this O.A. and by taking into relevant Noting, papers and records, I direct the respondent authority to give effect the upgradation to the applicant in Group 'B' post of Law officer in Level 8 Pay Matrix as appeared his name in the panel dated 09.10.2017 immediately not later than 15 (fifteen) days from the date of receipt of this order.
8. O.A. stands allowed. No order as to costs.



(MANJULA DAS)
JUDICIAL MEMBER