

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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OA. 350/00445/2016

Date of Order: 22.08.2016.

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

Asit Kumar Bhowmik
Vs.
Defence

For the Applicant : Mr. PC Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. BB Chatterjee, Counsel

O R D E R (Oral)

Per Justice Shri Vishnu Chandra Gupta, JM:

Heard learned counsel for applicant and learned counsel for respondents.

2. Today, learned counsel for respondents Mr. BB Chatterjee placed on record a letter dated 19.08.2016 which is extracted hereinbelow for ready reference with annexure, the letter dated 19.08.2016. Both are extracted hereinbelow:

"Letter Dated 19th Aug, 2016

Sub: OA No. 350/00445 of 2016 : ASIT KUMAR BHOWMIK Vs. UOI.

With reference to the captioned OA No. 350/445 of 2016, this is to bring to your kind attention that this subordinate office is in receipt of the scanned copy of letter No. 3/A-3/Legal/CC-880/2653 dated 19.08.2016 issued by our Head Office, Mumbai which is self explanatory (copy of letter enclosed).

You are requested to do the needful accordingly.

Thanking you."

"Ref No.3/A-3/Legal/CC-880/2653

Date: 19th Aug, 2016

To
The Area Manager,
CSD Depot,
Kolkata

Sub: OA No. 350/445 of 2016: ASIT KUMAR BHOWMIK V/S UOI

1. Reference your letter No. CTD/EST/PN-2568/2493 dated 30.03.2016 and CTD/EST/Court Case/PN-2568/0515 dated 13.06.2016.

(D.W.T.)

2. In view of the DOPT guidelines issued vide OM No. F.No. 43019/54/96-Estt (D) and PC/1(1)/94(D)/Civil dated 09.04.2001, the Competent Authority has decided to consider the case of PN-2568 **Shri Asit Kumar Bhowmik, Staff Car Driver Grade-I** for promotion to the post of Driver Special Grade and the matter is under process.
3. The Govt. Counsel be informed to submit the same before the Hon'ble CAT Calcutta Bench, Kolkata.

Sd/-

(K.P. Gangadharan)
Asstt. General Manager"

3. The aforesaid letter reveals that the respondents authorities instead of filing counter affidavit informed this Court that the Competent Authority has decided to consider the case of the present applicant, Asit Kumar Bhowmik, Staff Car Driver Grade-I for promotion to the post of Driver Special Grade and the matter is under process.
4. The relief claimed in the original application reads as under:

"8(a) To pass an appropriate order directing upon the respondent authority to consider the claim of the application for promotion/upgradation to the post of Driver Special Grade with effect from the date of completion of three years' regular service of the applicant as Staff Car Driver Grade-I in the pay scale of Rs. 5000-8000 (pre-revised) with all consequential benefit including further revision of pay in the PB-II Rs. 9300-34800 with Grade Pay of Rs. 4200/- in the light of the decision made by the Learned Central Administrative Tribunal, Chandigarh Bench in OA. No. 1228/PB/2012 and also in terms of the Department of Personnel & Training's Office Memo dated 15.02.2001 being Annexure A-5 of this original application.

(b) To pass an appropriate order directing upon the respondent authority that since your applicant is a similarly circumstanced person, therefore, the applicant may be given the extension of benefit of the judgment and order as decided by the Learned Central Administrative Tribunal, Chandigarh Bench in OA No. 1228/PB/2012."

5. In view of above as contained in the aforesaid letter, nothing remains to be decided in the petition and the petition is accordingly disposed of. The authorities shall decide the matter after consideration, within a period of 3 months and shall intimate the applicant in writing about the outcome of consideration as referred to letter above mentioned of 19th Aug, 2016.

(Sd/-)

6. OA is accordingly disposed of with no order as to costs.

Jaya Das Gupta
Member (A)

pd

Vishnu Chandra Gupta
Member (J)