

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/17 OF 2019
Cuttack, this the 4th day of January, 2019**

**CORAM
HON'BLE MR. G.C. PATI, MEMBER (A)
HON'BLE MR. S. K. MISHRA, MEMBER(J)**

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Sri Biswa Bhusan Dash, aged about 48 years, S/o Late Gopal Chandra dash, presently working as Statistical Investigator Grade-I, O/o. Director of Census Operation, Odisha, Janpath, Unit-IX, Bhubaneswar-751022.

...Applicant

(By the Advocate- M/s. D. K. Mohanty, S. K. Nayak)

-VERSUS-

Union of India Represented through

1. Secretary to Govt. of India, Ministry of Home Affairs, North Block, New Delhi-110001.
2. The Registrar General of India, Ministry of Home Affairs, 21-A, Mansingh Road, New Delhi-110001.
3. The Joint Director Census Operation, Orissa, Bhoiagar, Unit-IX, Bhubaneswar-751022.
4. The Secretary, UPSC, Dholpur House, Sahajahan Road, New Delhi-110069.
5. Megha Sharma, Investigator(Social Study), O/o. Registrar General of India, Ministry of Home Affairs, 21-A, Mansingh Road. New Delhi-110001.
6. Soma Sundari, S.I Grade-I, O/o Director of Census Operation, Tamil Nadu, E. Wing, III Floor, Rajaji Bhawan, Basant Nagar, Chennai-600090.
7. Raju Kumar Banawari, S. I. Grade-I, O/o Director of Census Operation, Uttarakhand, L.D. Power, Saharanpur Road. Near Matabolabag, Dehradun-248001.

...Respondents

(By the Advocate- Mr. A. C. Deo)

ORDER(oral)

Per Mr. Gokul Chandra Pati, MEMBER (A):

Heard learned counsel for both the sides.

The applicant is aggrieved by the promotion order dated 31.12.2018 (Annexure-A/4) by which about 19 of his juniors have been promoted to the post

of Assistant Director ignoring his case. It is further submitted that even if the reservation is permitted as per rules these number is excess as per rules applicable for reserved category for promotion.

Learned Counsel for the Respondents submitted that the applicant has not submitted any representation against this order to the higher authority before approaching this Tribunal.

Learned Counsel for the applicant submitted that on similar facts and circumstances in O.A. No.210/2017 this Tribunal vide order dated 16.02.2018 had directed the Respondents to consider the promotion of the applicant, if juniors to him in the gradation list have been promoted to the higher post.

In view of the submissions of the Ld. Counsels as above, and taking into consideration the grievance of the applicant the O.A. is disposed of at this stage with liberty to the applicant to file a detailed representation to Respondent No.2/competent authority raising the grounds which have been taken in this O.A. enclosing a copy of the judgments and citations within 10 days of receipt of copy of this order. If such a representation is filed within time as specified above, the Respondent No.2/competent authority is directed to consider the matter as per the law and dispose of the same by passing a speaking and reasoned order, copy of which shall be communicated to the applicant within two month from the date of receipt of such representation.

Till the applicant's representation is disposed of as above, one post of Assistant Director based on the impugned order dated 31.12.2018 shall be kept vacant if any of the juniors of the applicant has been promoted as per the order dated 31.12.2018. It is made clear that no opinion has been expressed on merit about the case while passing this order.

Accordingly, the O.A. is disposed of at this stage. No costs.

(Swarup Kumar Mishra)
Member(Judl.)

(Gokul Chandra Pati)
Member(Admn.)

