

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



No. O.A. 1737 of 2018

Date of order: 13.12.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

**Mahadeb Kantha,
Son of Late Dasharathi Kantha,
Aged about 45 years,
Working as Lower Division Clerk (LDC)
In the Office of the Satyajit Ray Film and
Television Institute, Kolkata,
Residing at No. 27, Garfa Main Road,
P.O. – Haltu, P.S. – Garfa,
Kolkata – 700 078.**

... Applicant.

Versus

1. **Union of India
through the Secretary,
Ministry of Information & Broadcasting,
"A" Wing, Shastri Bhawan,
New Delhi – 110 001.**
2. **The Joint Secretary,
(Films), Ministry of Information & Broadcasting,
"A" Wing, Shastri Bhawan,
New Delhi – 110 001.**
3. **Satyajit Ray Film and Television Institute
Through its Director
E.M. Byepass-Road,
P.O. – Panchasayar,
Kolkata – 700 094.**
4. **The Director,
Satyajit Ray Film and Television Institute(SRFTI),
E.M. Byepass Road,
P.O. – Panchasayar,
Kolkata – 700 094.**
5. **The Registrar,
SRFTI, E.M. Byepass Road,
P.O. – Panchasayar,
Kolkata – 700 094.**

... Respondents.

For the Applicant : Mr. K. Sarkar, Counsel
Ms. A. Sarkar, Counsel

For the Respondents : Mr. T.K. Chatterjee, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has filed the instant Original Application praying for the following relief:-

"(i) To direct the respondents to consider the promotion of the applicant to the post of UDC from the post of LDC forthwith;

(ii) To direct the respondents to deal with and/or dispose of the representations of the applicant dated 1.5.2018, 31.10.2018 & 9.11.2018 in this regard as contained in Annexures "A-5" & "A-6" herein in their correct perspective.

(iii) 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;

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

2. The matter is taken up at the admission stage. Heard both Ld. Counsel, examined documents on record.

3. Ld. Counsel for the applicant submits that the application is directed against the purported non-consideration of promotion of the applicant to the post of Upper Division Clerk from the post of Lower-Division Clerk. According to the applicant he has the requisite eligibility criteria in terms of recruitment rules of the respondents' Institute.

Ld. Counsel for the applicant further submits that despite the fact that the applicant has preferred representations on 1.5.2018, 31.10.2018 and 9.11.2018 (Annexure A-5 and A-6 to the O.A.) to the respondent authorities, such representations have not been considered till date and, that, as prayed for in the relief, the applicant would be fairly satisfied if a direction is issued to the competent respondent authority to dispose of the said representation within a specified time frame.

hsl

6. Accordingly, without entering into the merits of the matter and with the consent of the parties, we direct the respondent No. 4, namely, the Director, Satyajit Ray Film and Television Institute (SRFTI), to consider the representations of the applicant dated 1.5.2018 as well as 31.10.2018, if received at his end, within a period of six weeks from the date of receipt of a copy of this order.

While disposing of the same, the respondent No. 4 will consult such authorities of the concerned Ministry as required and will arrive at a reasoned decision based on the recruitment rules and other relevant provisions, as applicable. The decision arrived at should be communicated forthwith to the applicant and in the form of a speaking order. In case the applicant is entitled to promotion, consequent orders, as applicable, are to be issued within a further period of eight weeks. Till such time that the representation is disposed of, promotion to one post of Upper Division Clerk will be kept in abeyance.

7. With these directions, the instant O.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP