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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

O.A. No. 350/103/2019

PARTICULARS OF THE APPLICANT:

SUBRATA KUMAR NASKAR, son of ^{Late} Ranajit kr. Naskar, aged about 48 years, working as Regular Assistant in ESIC, residing at Village and Post Office Hirapur, Haora Hirapur, District - Howrah, West Bengal Pin 711310.

.....APPLICANT

V E R S U S

- I. Union of India, through the Secretary to the Government of India, Ministry of Labour & Employment Department, Rafi Marg, Shramshakti Bhawan, New Delhi 110001
- II. The Director General Employees State Insurance Corporation, Panchadeep Bhawan, CIG Road, New Delhi, Pin 110002
- III. The Additional Commissioner & Regional Director, Employees State Insurance Corporation, Regional Office, Kolkata 700012

.....RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/103/2019

Date of Order: 30.01.2019

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

Subrata Kr. Naskar -vs- ESIC

For the Applicant(s): Mr. A. Chakraborty, Counsel

For the Respondent(s): Mr. S. Maitra, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant, and Mr. S.Maitra, Ld. Counsel appearing for Official Respondents, *in extenso*.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ 1) An order do issue directing the respondents to restore the seniority of the applicant considering as UDC from the date of their joining in West Bengal Region and in case of non availability of such post on that date, supernumerary vacancy may be created.

2) An order do issue directing the respondents to re-fix the pay of the applicant notionaly from the date of his joining in West Bengal Region as UDC and to give monetary benefit from the date of his actual joining as UDC in the Region.

3) An order do issue directing the respondents to convene Review DPC for the post of Assistant considering the applicants as UDC w.e.f the date of his joining in West Bengal Region and to give notional /actual benefit according to his revised promotional fixation.

4) An order do issue directing the respondents to grant benefit of the judgement passed by Hon'ble Apex Court in CAN 4611 of 2013.

5) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”

3. The sum and substance of case of the applicant, as narrated by Ld. Counsel for the applicant, is that the applicant, who was initially appointed as LDC outside West Bengal Region and later promoted as UDC, prayed for Inter Regional

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Transfer and such prayer was accepted by the competent authority and he was posted in West Bengal Region as LDC and was subsequently promoted in West Bengal Region. Relying on the decision of the Hon'ble Apex Court in Civil Appeal No. 4611 of 2013, the applicant claims that even after accepting the post of LDC in the West Bengal Region and awaiting promotion to the post of UDC after being successful in the Departmental examination he is now entitled to claim as UDC in the West Bengal Region since on the date of relieve as UDC in other region. Ld. Counsel for the applicant submitted that although, ventilating his grievance, the applicant has preferred representation before Respondent No. 3 under Annexure-A/2 on 04.06.2018 but till date nothing has been communicated to him. He further submitted that the applicant's grievance may be more or less redressed if a direction is issued to Respondent No. 3 to consider the representation of the applicant within a specific time frame.

4. On the other hand, Mr. Maitra, Ld. Counsel for the Official Respondents, wants some time to go through the O.A. as well as annexures.

5. As the specific prayer of the applicant, at this stage, is to consider his pending representation, having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation dt. 04.06.2018 (Annexure-A/2), if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of applicant is found to be genuine and he is otherwise eligible then expeditious steps be taken within a further period of six weeks to grant the benefit of promotion. I make it clear that if in the meantime the said representation has



already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of.

No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS

