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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00 252 of 2019

IN THE MATTER OF:

1. **ARABINDA SARKAR**, son of Late Naresh

Chandra Sarkar, aged about years, residing at Porepara, Post Office-Batanagar, Police Station- Maheshtala, District- North 24-Parganas, Pin 70140 and working as Drilling Assistant Grade-I in the Geological Survey of India, Central Headquarters, Central Garage, 27, Jawahar Lal Nehru Road, Kolkata- 700016;

2. **GOPAL KANTAL**, son of Shri Bibhuti

Bhusan Kantal, residing at 49B, Kasthadanga Link Road, Post Office and Police Station- Sasruna, Kolkata- 700061 and working as Drilling Assistant Grade-II in Dhariti Building, Engineering Division 40, G.N. Block, Sector-V, Salt Lake, Kolkata- 700091 under the Geological Survey of India, Central Headquarters, Central Garage, 27, Jawahar Lal Nehru Road, Kolkata- 700016.

...Applicants

-Versus-

1. UNION OF INDIA service through the Secretary, Ministry of ~~Steel~~ & Mines, Udyog Bhavan, New Delhi-110107.
2. THE DIRECTOR GENERAL, Geological Survey of India, Central Headquarters, 27, Jawaharlal Nehru Road, Kolkata- 700016;
3. THE SENIOR DEPUTY DIRECTOR GENERAL (STSS) , Geological Survey of India, Engineering Division, CHQ, GN-40, Sector-V, Dharitri Building, Salt Lake, Kolkata - 700091.
4. THE DEPUTY DIRECTOR GENERAL (P&A), Geological Survey of India, Central Headquarters, 27, Jawaharlal Nehru Road, Kolkata- 700016;
5. THE DIRECTOR (P), Geological Survey of India, Central Headquarters, 27, Jawaharlal Nehru Road, Kolkata- 700016.
6. THE ADMINISTRATIVE OFFICER, Geological Survey of India, Central

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Headquarters, 27, Jawaharlal Nehru
Road, Kolkata- 700016.

7. THE DIRECTOR, Government of India,
Ministry of Mines, Shastri Bhawan, New
Delhi-110001.
8. Shri Pradip Chakraborty, Proof Reader,
9. Shri Moloy Kumar Bera, Compositor,
10. Shri Monoranjan Das, Compositor,
11. Shri Tapan Sardar, Pressman,
12. Shri Susanta Gayan, Compositor,
13. Sk.Nazrul Islam, Mechanic,
14. Shri Ajoy Kumar Patra, Mechanic,
15. Shri Sandip Malakar, Mechanic,
16. Shri Pradip Sarkar, Mechanic,

The respondent Nos. 8 to 15 are all GSI
staff, service through the Director
General, Geological Survey of India,
Central Headquarters, 27, Jawaharlal
Nehru Road, Kolkata- 700016.

...Respondents.

(Signature)

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/252/2019
M.A/350/148/2019

Date of Order: 08.03.2019

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

Arabinda Sarkar & Another -vs- GSI

For the Applicant(s): Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel
For the Respondent(s): Mr. K. Prasad, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicants, and Mr. K.Prasad, Ld.

Counsel appearing for Official Respondents, in extenso.

2. M.A.No 148/2019 filed by the applicants to prosecute this case jointly is allowed and disposed of accordingly.
3. This O.A. has been filed under Section 49 of the Administrative Tribunals Act, 1985 with the following prayers:

“a) Leave be granted to move one single application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicants have got a common grievances and they are aggrieved in respect of non-getting the MACP benefit.

b) To quash and/or set aside the impugned Provisional Seniority List in respect of JTA (Drilling) under Group-B (N/G) Staff of Engineering Stream in GSI (All India) as on 01.04.2016 which was published vide office order dated 24.01.2017 whereby the names of the applicants has not been assigned in the appropriate place being Annexure A-19 of this original application and further directed the respondents to assign the appropriate seniority of the present applicants in accordance with the circulars issued by the Ministry of Mines as well as Geological Survey of India.

c) To pass an appropriate order directing upon the respondent authority to hold DPC after assigning the correct seniority position of the applicants and if they are entitled to they should be given the appropriate promotion to the next higher grade so that they cannot be



deprived from getting their legitimate claim in connection to the getting the correct Grade Pay as well as promotional benefit.

d) To pass an appropriate order directing upon the respondent authority to consider the objections raised by the applicants being Annexure A-28 of this original application in respect of assigning their appropriate seniority by setting aside and/or quashing the impugned provisional seniority list and on the basis of the correct position of the applicants in the seniority list, the respondents be directed to finalize the seniority list by assigning the names of the applicants in view of the circulars and direction issued by the Ministry of Mines and Geological Survey of India from time to time

e) Costs and incidental of this original application

f) Any further or other order or orders as Your Honour may seem fit and proper."

4. The case of the applicants, in nutshell, as submitted by Ld. Counsel is that the applicants who are working as Drilling Assistant Grade-I and Grade-II respectively have filed this application seeking quashing or to set aside the impugned Provisional Seniority List in respect of JTA (Drilling) under Group-B (N/G) Staff of Engineering Stream in GSI (All India) as on 01/04/2016 which was published vide office order dated 24/01/2017 (Annexure A-19) and non consideration of the objections raised by the applicants being Annexure A-28 of this original application and a direction upon the respondent authority to hold DPC after assigning the correct seniority position of the applicants and if they are entitled to they should be given the appropriate promotion to the next higher grade. Ld. Counsel for the applicants submitted that although the applicants ventilating their grievance have preferred representations under Annexure-A/28 and A/29 before Respondent No.4 but till date neither any reply has been communicated to them nor any step has been taken to place them appropriately in the seniority list. He further submitted that the grievance of the applicants may be more or less redressed if their representation is considered by Respondent No. 4 within a specific time frame.

(A)

5. 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. 4 to consider the representations of the applicants under Annexure-A/28 and A/29, if the same have been filed and are 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 applicants' grievance is found to be genuine then expeditious steps be taken within a further period of six weeks to assign their seniority at appropriate place in the seniority list. I also make it clear that if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicants 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)