

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 350/01488/2018

Date of order: 10.10.2018

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

Sri Bikash Maity,
Son of Sri Ramapada Maity,
By faith-Hindu,
By Occupation – Working under Principal Director of
Audit Scientific Department, Kolkata,
Residing at : Vill.: Gokulpara,
P.O. – Santrapur, Kharagpur (L),
Medinipur (W),
Pin No. – 721 301.

... Applicant.

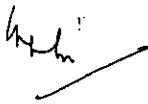
Versus

1. Union of India
Through its Secretary,
Controller of Auditor General of India,
Pocket—9,
Dindayal Upadhyay Marg,
New Delhi – 110 124.
2. The Director General,
Office of the Director General,
Controller & Auditor General of India
And Ex-Officio, MAB-1, 10,
Bahadur Shah, Jafar Marg,
New Delhi – 110 124.
3. The Principal Director,
Audit Scientific Department,
AGCR Building, I.P. Estate,
New Delhi – 110 002.
4. The Senior Audit Officer (Administration),
Nizam Palace,
Kolkata,
Pin – 700 020.

... Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None



ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

An Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- "(i) To issue direction upon the respondents to consider representation dated 13.11.2017 for promotion to the post of Auditor forthwith.
- (ii) To issue further direction upon the respondents, the same similar person, namely, Sri Basudeb Pakhira got promotion and applicant is also same similar person. The applicant's promotion for the post of Auditor may be considered forthwith.
- (iii) To issue further direction upon the respondents to consider the promotional post for the post of Auditor w.e.f. 13.11.2017 forthwith.
- (iv) Any other order or orders or further order or orders as seem fit and proper under the circumstances of the case."

3. Ld. Counsel for the applicant is present. Affidavit of service is on record.

4. The applicant is aggrieved due to the fact that though he had cleared the Departmental examination held on 6-2-2015 for promotion to the post of Auditor and that his name figured at Srl. No. 9 in the merit list, he has not been given his due promotion to the post of Auditor till date, whereas promotion order has been issued in favour of a similarly circumstanced person namely, Shri Basudeb Pakira. The applicant preferred several representations, lastly on 13.11.2017, seeking redressal of his grievance, but his representations are still pending consideration before the concerned authority.

Ld. Counsel for the applicant submits that the applicant will be satisfied if a direction is issued to the respondent No. 4, namely, Sr. Audit Officer (Administration), Nizam Palace, Kolkata to consider his representation and to dispose of the same within a specific time frame.

5. Accordingly, without entering into the merits of the matter, we direct the respondent No. 4, namely, Sr. Audit Officer (Administration), Nizam Palace, Kolkata to examine the contents of the applicant's representation dated 13.11.2017, if received at his end, (Annexure A-9 to the O.A.), in accordance with

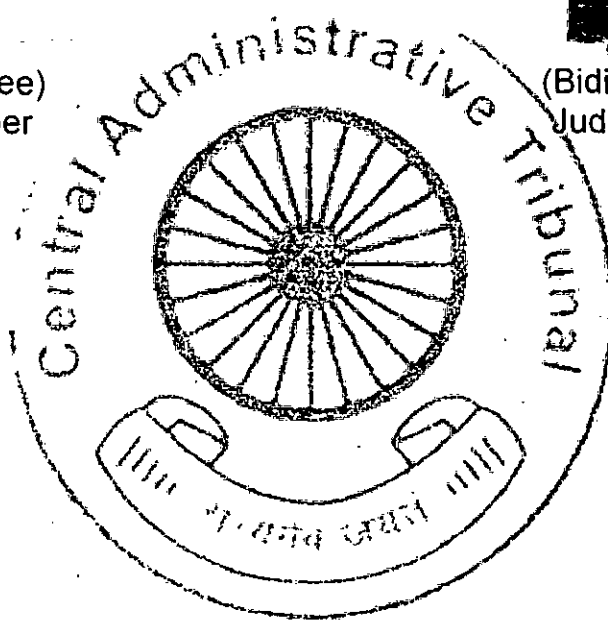
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law and rules governing the field, within a period of 4 weeks from the date of receipt of a copy of this order. While examining the said representation, the concerned respondent authority will consider whether the applicant is similarly situated as one Shri Basudeb Pakira, Clerk-Typist, who has been promoted to the post of Auditor in Level 5 vide order dated 3rd August, 2017 (Annexure A-8 to the O.A.) and, if so, pass similar orders in the case of the applicant subject to his fulfilling eligibility conditions to the same.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member



SP,