

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/01493/2018

Date of order: 11.10.2018

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

Om Prakash Rawat,
 Son of Late Bishwa Ram Rawat,
 Aged about 57 years,
 Residing at 73, East B Park, Ishapur Estate,
 Post Office – Ishapur-Nawabganj,
 District – 24-Parganas (North),
 Pin – 743 144
 And working to the post of Additional
 General Manager in Rifle Factory,
 Ishapore,
 Post Office – Ishapore-Nawabganj,
 District – 24-Parganas (North),
 Pin – 743 144.

... Applicant.

1. Union of India,
 Service through the Secretary,
 Ministry of Defence (Defence and Production)
 Government of India, 136, South Block,
 New Delhi – 110 001.
2. The Chairman-Cum-DGOF,
 Ordnance Factory Board,
 Having his office at 10A,
 Shaheed Khudiram Bose Road,
 Kolkata – 700001.
3. The Senior General Manager,
 Rifle Factory, Ishapore,
 Post Office – Ishapore-Nawabganj,
 District : 24-Parganas (North),
 Pin – 743 244.
4. The Senior General Manager,
 Ordnance Factory,
 Kalpi Road, Kanpur, Uttar Pradesh,
 Pin – 208 022.
5. Sri Umesh Kumar,
 Regional Controller of Safety (WR),
 T-12, Club Road, Ordnance Estate, Khadki,
 Pune – 411 003.
6. Sri M.L. Meena,
 Principal Director,

**Ordnance Factory Institute of Learning, Raipur,
Dehradun, Pin – 248 008.**

... Respondents.

For the Applicant : **Mr. P.C. Das, Counsel**
Ms. T. Maity, Counsel

For the Respondents : **Mr. B.B. Chatterjee, Counsel**

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

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

- "(a) To pass an appropriate order directing upon the respondent authority to immediate convene the DPC for granting Non-Functional Upgradation-Corresponding Pay Scale of HAG (Higher Administrative Grade) of the Indian Ordnance Factories to the present applicant on the basis of re-fixed seniority of the present applicant as per the letter dated 27.5.2014 which was communicated to the present applicant vide office letter dated 12.6.2014 and to fix that promotion to the post of Higher Administrative Grade with effect from the date when your applicant was entitled to along with all consequential benefits;
- (b) To pass an appropriate order directing upon the respondent authority to the effect the promotion of the applicant to the post of Additional General Manager with effect from 1.12.2010 along with all consequential benefits;
- (c) To declare that in terms of the letter dated 27.5.2014 which was communicated to the applicant vide letter dated 12.6.2016, your applicant is entitled for promotion to the post of Higher Administrative Grade with effect from the date when your applicant was entitled;
- (d) To pass an appropriate order directing upon the respondent authority to consider the details representation as preferred by the applicant before the Secretary (Defence Production), Government of India, New Delhi for review of decision taken by MOD ID No. 3(2)/2011 SCT dated 15.6.2012 with reference to MOD ID No. 7(03)/2011-D(IOFS) dated 21.12.2012 and MOD ID No. 9(03)/2011-D (IOFS) dated 8.4.2013 being Annexure A-20 of this Original Application.
- (e) To pass an appropriate order directing upon the respondent authority to review the decision vide MOD ID No. 3(2)/2011 SCT dated 15.6.2012, MOD ID No. 7(03)/2011-D (IOFS) dated 21.12.2012 and MOD ID No. 7(03)/2011-D (IOFS) dated 08.4.2013 within a specific time and to consider promotion to the post of Higher Administrative Grade along with all consequential benefits."

2. Ld. Counsel for the applicant and respondents are both present and heard.

[Signature]

3. Ld. Counsel for the applicant submits that, on being aggrieved at not being promoted to the Higher Administrative Grade of the Indian Ordnance Factory, the applicant had preferred a detailed representation on 28.7.2018 (Annexure A-20 to the O.A.) in which he had requested the respondent No. 1, namely, the Secretary (DP), Government of India, Ministry of Defence, for review of decisions taken vide MOD IDs dated 15.6.2012, 21.12.2012 and 8.4.2013 respectively.

During hearing, Ld. Counsel for the applicant further submits that, after filing of the O.A., the applicant had come to know that the respondents are likely to place him in the zone of consideration for grant of HAG/NFU and, accordingly, he would be satisfied if a direction is issued on the respondent authorities to dispose of his representation and to expedite the process of grant of HAG/NFU within a specified time frame.

4. Ld. Counsel for the respondents argues that as he has no instructions in the matter and has not received a copy of the Original Application, he is not privy to the fact as to whether the officer is likely to be in the said zone of consideration. Ld. Counsel prays for an opportunity to obtain suitable instructions in this regard.

5. We, however, do not think that any useful purpose will be served by keeping the matter pending at our end particularly in the context of the submissions of Ld. Counsel for the applicant that the applicant is likely to be placed in the zone of consideration for HAG/NFU shortly.

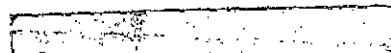
Accordingly, without entering into the merits of the matter, we hereby direct the respondent No. 1 to dispose of his representation dated 28.7.2018 (Annexure A-20 to the O.A.), if received at his end, as well as to take necessary actions for grant of HAG/NFU to the applicant as per law and in accordance with Rules governing the field. Decision may be conveyed in the form of a reasoned and speaking order thereafter to the applicant.

[Signature]

6. The entire exercise may be completed within a period of 16 weeks from the date of receipt of a copy of this order.
7. Accordingly, the O.A. is disposed of with the aforesaid directions. There will be no orders on costs.



(Dr. Nandita Chatterjee)
Administrative Member



(Bidisha Baherjee)
Judicial Member

SP

