

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA  
(CIRCUIT SITTING AT PORT BLAIR)

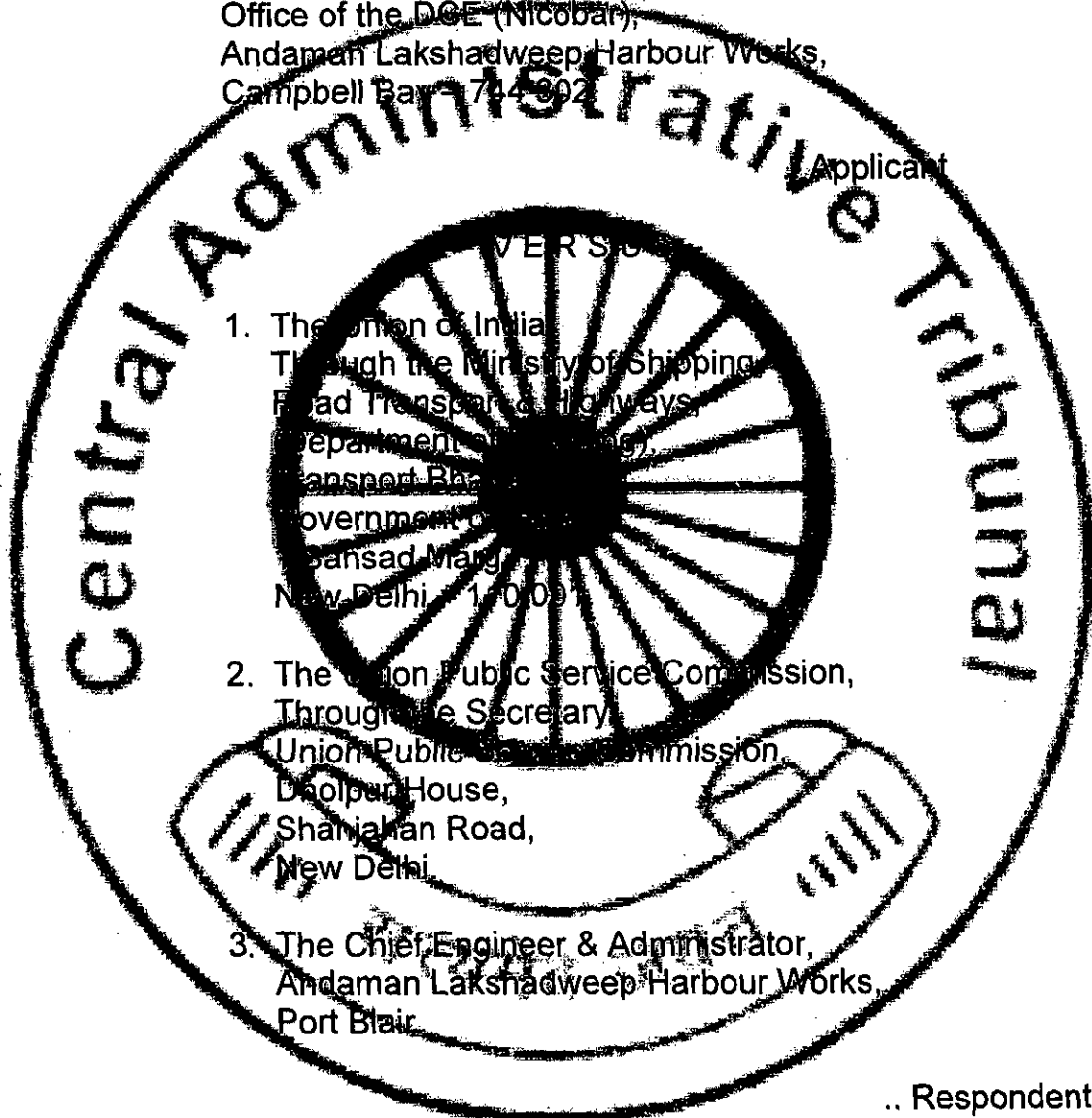
No. O.A. 344/AN/2019

Date of order: 26.3.2019

Present : Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Abhay Janardhan Sirsikar,  
Aged about 51 years,  
S/o Late J.B. Sirsikar,  
Working as Deputy Chief Engineer (Civil),  
Office of the DCE (Nicobar),  
Andaman Lakshadweep Harbour Works,  
Campbell Bay - 744 902

Applicant



.. Respondents

For the Applicant : Ms. A. Nag, Counsel

For the Respondents : None

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 in second stage litigation, praying for the following relief:-

*hah*

"(a) An order / orders / direction / directions directing the respondent authorities to antedate the promotion of the applicant to the post of Executive Engineer (Civil) w.e.f. October, 2004 or at least 25.7.2005.

(b) An order be passed antedating the promotion of the applicant to the post of Deputy Chief Engineer (Civil) w.e.f. 1.10.2009.

(c) An order be passed directing the respondent authorities to consider the representations of the applicant in accordance with law.

(d) An order directing the respondent authorities to grant all the consequential monitory etc. benefits to the applicant.

(e) An order directing the respondent authorities to act in accordance with law.

(f) An order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that consciosable justice may be done.

(g) Such other or further order direction or directions, as your Lordships deem fit and proper in the interest of justice."

2. Heard Ld. Counsel for the applicant. Affidavit of service is taken on record.

The matter is taken up at the admission stage.

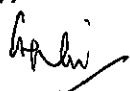
3. Earlier O.A. No. 73/AN/2013 had been filed by the applicant aspiring for promotion to the post of Deputy Chief Engineer (Civil) contending that he should be considered for promotion w.e.f. 1.10.2009. The said O.A. was disposed of with the following directions:-

"4..... this O.A. is disposed of with a direction upon the respondent No. 3 to follow up the proposal already sent to the Ministry and in case decision is taken to communicate the same to the applicant immediately thereafter and grant him benefits accordingly within one month thereafter."

The applicant was since promoted to the post of Deputy Chief Engineer (Civil) w.e.f. the date of his reporting to his promotional post at Campbell Bay vide orders of the respondent authorities dated 28.5.2018.

The applicant, however, has approached the Tribunal in the instant O.A. praying for, inter alia, a direction to antedate his promotion w.e.f. 1.10.2009.

Ld. Counsel for the applicant submits that the applicant may be given liberty to prefer a representation before the competent respondent authority praying for antedating of his promotion consequent to his promotional orders No. 398/2018 and that the applicant would be fairly satisfied if directions are issued to the respondent authorities to dispose of the representation in a time bound manner.



4. Although the respondents are not represented, in our considered view, the respondents would not be prejudiced if a direction is issued on the competent respondent authority to dispose of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, we accord the applicant liberty to prefer a comprehensive representation on the Office Order No. 398/2018 dated 28.5.2018, within three weeks from the date of receipt of a copy of this order. Once so received, the competent respondent authority shall examine the prayer and decide in accordance with law, within a period of 4 weeks thereafter and convey his decision in the form of a reasoned and speaking order forthwith to the applicant.

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

**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**(Manjula Das)**  
**Judicial Member**

**SP**