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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA.

OA. 350/1550/2018

Date of order: 19.02.2019

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

Dulal Roy, S/o. late N. C. Roy, R/o. Prem Nagar,
Working as Junior Engineer (E&M), APWD, now
posted at Kamorta Island, Nicobar District-
744303.

.....Applicant.

-versus-

1. The Union of India, service through the Secretary, Ministry of Road & Surface, Dept. of Public Works Department, New Delhi- 110001.
2. The Lt. Governor, A&N Islands, Port Blair- 744101.
3. The Chief Secretary, A&N Administration, Port Blair- 744101.
4. The Secretary (APWD), A&N Administration, Port Blair- 744101.
5. The Chief Engineer, A&N Administration, APWD, Port Blair- 744101.

.....Respondents.

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

For the Respondents : Mr. R. Halder, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both at length.

2. The applicant has assailed an order dated 06.08.2018 which reflects the following:

"And whereas the proposal of promotion will be considered as per seniority list and quota allotted for each category that is Degree, Diploma and Non-Diploma Junior Engineer (E&M), as per existing Recruitment Rule dated 20.09.2017.

Now therefore in view of above facts and keeping in mind two chain vacancies occurring due to retirement of Executive Engineer (E&M) on 31.03.2018 and 30.06.2018, one degree and one Diploma who are senior to the applicant will be considered, because as per Recruitment Rule 45% for Degree and Diploma for two vacancies comes to 0.90 for degree, diploma and for Non-Diploma it came to 0.20. Accordingly, the request of the applicant for promotion in the next vacancies cannot be acceded to at this stage as his candidature for promotion will be considered as per Recruitment Rule and seniority only. This issued in compliance to Hon'ble CAT order dated 23.04.2018 in O.A. No. 351/523/2018."

3. Since the applicant aspires promotion to the post of Assistant Engineer (E&M) as Non-Diploma holder in APWD under Recruitment Rule (RR) of the year 2017, and his prayer has not been rejected rather it seems that the respondents are willing to consider his candidature as per the present RR and seniority, we dispose of the OA with consent of both the parties, with direction upon the respondents to consider the applicant for such promotion in terms of the RR which would be applicable to the present applicant in accordance with law, against a suitable vacancy, if available or likely to arise in future.

4. If suitable vacancy is available, let appropriate steps be taken, as expeditiously as possible, so that the applicant is able to earn his promotion before his retirement.

5. With the aforesaid order, OA would stand disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)
pd

(Bidisha Banerjee)
Member (J)