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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No. 350/01249/2015

Date of Order: 01.09.2015

Present:

**The Hon'ble Mr. Justice G.Rajasuria, Judicial Member
The Hon'ble Ms. Jaya Das Gupta, Administrative Member**

.....

Shri Tapas Kumar Datta, Son of Late Phani Bhusan Datta
aged about 57 years, working as Communication Accounts
Officer, O/O Controller of Communication Accounts, NE-I,
Shillong, Permanently residing at 77/A/12, Raja S.C.Mallick
Road, PO. Ragent Estate, Kolkata-700 092.

.....Applicant

For the Applicant: Mr.A.Chakraborty, Counsel

-Versus-

1. The Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi-110001.
2. Dy. Director General (PA &F) Postal Directorate, PA^A Wing, Dak Bhawan, New Delhi-110116.
3. The Director (Budget & Admn.), Ministry of Communications & I.T. Deptt of Posts (PA Wing), Dak Bhawan, New Dehi110001.
4. The Chief Postmaster General, West Bengal Circle, Yogayog Bhawan, C.R.Avenue, Kolkata-700012.
5. The Controller of Communication Accounts West Bengal Circle, Kolkata-700069.

.....Respondents

For the Respondents : Mr.A.Mondal, Counsel.



ORDER

JUSTICE G. RAJASURIA, JM:

Heard both at this admission stage itself.

2. This OA has been filed seeking the following reliefs:

"(a) Office Memorandum dated 28.02.2013 issued by the Director (Budget & Admn.), Ministry of Communication & I.T. Department of Posts (PA Wing), Dak Bhawan, New Delhi 110001, granting the applicant's promotion w.e.f. 28.02.2013 to the post of Accounts Officer cannot be tenable in the eye of law and as such the same may be quashed.

(b) An order do issue directing the respondents to grant the benefit of promotion in favour of the applicant with effect from 12.02.2010 instead of 28.02.2013 as the private respondents, junior to the applicant was granted promotion with effect from the said date and to grant all the consequential benefits.

(c) An order do issue directing the respondents to grant of arrears with interest."

3. The Learned Counsel for the Respondents would pray for granting time to file a detailed reply and according to him this OA is a time barred one. However, the Learned Counsel for the Applicant placing reliance on the averments in the OA as well as the annexures appended to it would pyramid his arguments which could succinctly and precisely be set out thus.

4. The Applicant expected promotion to the post of Accounts Officer even in the year 2010 when DPC was constituted for considering the promotion of Assistant Accounts Officer to the post of



Accounts Officer and in that his junior Mr. Debasis Jena was promoted, whereas, the applicant was not promoted presumably to the knowledge of the applicant that his ACRs/APRs were not available for a few years. No doubt, subsequently promotion was given to him w.e.f. 28.2.2013 after minor penalty proceeding. The Applicant gave a representation dated 30.7.2015 seeking that his promotion should date back to the date of his junior having been promoted to the post of Accounts Officer but that was not responded to by the respondents till date.

5. In these factual matrix we are of the considered view that suitable direction could be given to the appropriate authority as under:

6. The Respondent Authorities shall consider the representation dated 30.07.2015 of the applicant and see as to whether there were grounds for not giving effect to the promotion with retrospective effect so to say from 12.02.2010 i.e. from the date of his junior having been promoted and a speaking order would be issued in this regard within a period of two months from the date of receipt of a copy of this order.

7. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice G. Rajasuria)
Judicial Member