



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/588/2019
M.A. 350/405/2019

Date of order: 11.6.2019

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

Sunil Kumar Garg,
Son of Shri S.R. Garg,
Aged about 59 years,
Group 'A',
Special Director General (ER),
Central Public Works Department,
Kolkata,
Residing at Quarter No. 21, Type-VI,
Multi-Storey Apartments,
Nizam Palace Campus,
234/4, AJC Bose Road,
Kolkata - 700 020.

Applicant

- V E R S U S -

1. Union of India,
Through its Secretary,
Ministry of Housing and Urban Affairs,
Nirman Bhawan,
New Delhi - 110 108.
2. The Secretary to Union of India,
Ministry of Personnel, Public Grievances and
Pension, Department of Personnel & Training,
North Block,
New Delhi - 110 001.
3. The Director General,
Central Public Works Department,
Nirman Bhawan,
New Delhi - 110 108.

... Respondents

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. R. Halder, Counsel

h.s.h

O R D E R (Oral)Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal with an M.A. bearing No. 350/00405/2019 arising out of O.A. 350/00588/2019 seeking a modification of the Tribunal's order dated 17.5.2019 in O.A. 350/00588/2019 in which the following directions had been passed:

"... Hence, we deem it fit to direct the competent respondent authority, who is the respondent No. 1 represented by the Secretary, Ministry of Housing and Urban Affairs, Nirman Bhawan, New Delhi to examine the representations of the applicant dated 24.8.2018 and 31.1.2019, if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order.

While deciding on the said representation, the concerned respondent authority shall also refer to the decisions arrived at in the case of similarly placed incumbents in other Ministries/Departments and, if so deemed necessary, consult Respondent No. 2, namely, Secretary, DOPT for this purpose. The decision arrived at should be conveyed in the form of a reasoned and speaking order to the applicant forthwith thereafter.

It is noted in this context that we have not entered into the merits of the matter and all issues raised by the applicant in his representations are to be decided upon by the concerned respondent authority in accordance with law."

2. According to the Ld. Counsel for the applicant, the respondent authorities are about to decide on the post of promotion to the post of Director General, CPWD in immediate future and, hence, the time granted to the respondent authorities for consideration of the representation may be reduced suitably so that the applicant is not prejudiced on account of a delayed decision in his regard.
3. The respondent authority, however, is required to dispose of the representation in accordance with law, and if necessary, in consultation with DOPT, and, we are of the considered view that the period of 12 weeks would be a reasonable timeline to enable the respondents to decide on the representation as directed in O.A. No. 588 of 2019.

The applicant, however, is apprehensive that the authorities may finalize the promotion to the post of DG, CPWD at the earliest and during the pendency of his representation.

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Accordingly, to rest the apprehensions of the applicant, we hereby modify our orders dated 17.5.2019 in O.A. No. 350/588/2019 as highlighted below in para 4 of the abovementioned order:-

“4. It transpires from records that the applicant has preferred representations on 24.8.2018 (Annexure A-8 to the O.A.) followed by that dated 31.1.2019 (Annexure A-10 to the O.A.). Information at A-10 (collectively), further reveals that relaxation had been granted in the case of incumbents in other departments/Ministries of the Government of India.

Hence, we deem it fit to direct the competent respondent authority, who is the respondent No. 1 represented by the Secretary, Ministry of Housing and Urban Affairs, Nirman Bhawan, New Delhi to examine the representations of the applicant dated 24.8.2018 and 31.1.2019, if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order.

While deciding on the said representation, the concerned respondent authority shall also refer to the decisions arrived at in the case of similarly placed incumbents in other Ministries/Departments and, if so deemed necessary, consult Respondent No. 2, namely, Secretary, DOP&T for this purpose. The decision arrived at should be conveyed in the form of a reasoned and speaking order to the applicant forthwith thereafter. **Until such decision is arrived at in the context of the applicant by respondent No. 1 with necessary consultations, if any, with respondent No. 2, no action shall be taken by respondent authorities to finalise the process of promotion to the post of Director General, CPWD to which the applicant is an aspirant.** It is noted in this context that we have not entered into the merits of the matter and all issues raised by the applicant in his representations are to be decided upon by the concerned respondent authority in accordance with law.”

4. With these modifications, the M.A. is disposed of.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP