

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

O.A. 350/00941/ 2019
MA 514/2019

Order dated: 06.08.2019

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

1. Prabir Kumar Das,
Son of Late Sataya Ranjan Das,
Residing at "Aashirbad",
23, K.C. Banerjee Road,
P.O. – Harinavi, South 24 Parganas,
Kolkata – 700 148.
Working as Jr. Wireless Officer,
Under Dept. of Telecommunication.
2. Samit Bagchi,
Son of late Satyendra Nath Bagchi,
Residing at – BC-41, Samarpally,
P.O. – Krishnamurthy,
Kolkata – 700 102.
Working as Jr. Wireless Officer,
Under Dept. of Telecommunication.

..... Applicants.

Versus

1. Union of India,
Service through the Principal Secretary,
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110 001.
2. The Secretary,
Department of Personnel & Training,
North Blok, New Delhi – 110 001.
3. The Joint Secretary (Admn.),
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110 001.
4. The Director (WM),
Monitoring Organization HQs,
Ministry of Communication & IT,
E – Wing, 3rd Floor, Pushpa Bhawan,
Madangir Road,

hsl

New Delhi - 110 062.

..... Respondents.

For the applicant : Mr. S. Bhattacharya, Counsel

For the respondents : None

ORDER (ORAL)Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal praying for the following relief:

"8.(a) An order do issue directing the concerned respondent authorities to forthwith re-fix the seniority of the applicants in the seniority list of Junior Wireless Officer and their pay and allowances in conformity with the same as per the existing recruitment rule i.e. in the ratio of 4:1 from the date when the applicants joined the post of Junior Wireless Officer herein within a stipulated time period.

(b) An order do issue directing the respondent authorities to dispose of the representations made before them after giving an opportunity of hearing to the applicants and to pass a reasoned and speaking order herein within a stipulated time period.

(c) An order do issue directing the concerned respondent authorities to transmit all the records before this Hon'ble Tribunal in ends of justice.

(d) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicants.

(e) Leave be granted to file this application jointly by the applicants herein having regard to their common prayer and cause of action."

2. An M.A. bearing No. 514/2019, arising out of O.A. No. 941/2019, has been filed praying for joint prosecution of this O.A. U/R 4(5)(a) of CAT Procedure Rules, 1987. Being satisfied on the commonality of interest and common cause of action, the M.A. is allowed and disposed of accordingly.



3. Heard Ld. Counsel for the applicant, examined documents on record.

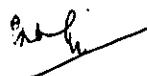
Affidavit of service is taken on record.

Matter is taken up at the admission stage for disposal.

4. The submissions of the applicants, as articulated through their Ld. Counsel, is that the applicants are aggrieved, as Respondent authorities have not decided upon their *inter se* seniority suitably. According to the applicants, there are two feeder posts for promotion to the post of Junior Wireless Officer, viz. Jr. Engineer (W) and Technician Grade-I. The Respondent authorities, however, have merged one of the said feeder posts, namely Jr. Engineer (W), with that of Jr. Wireless Officer. As the post of Technician Grade-I has been ignored in the merger, the applicants have been left out of the process. Although, the applicants, on several occasions, represented before the Respondent authorities, not having received any favourable decision thereupon, and, being aggrieved, they have approached the Tribunal in the instant O.A.

Ld. Counsel for the applicant further submits that the representations of the applicants dated 27.07.2018 and 14.06.2019 (Annexure-A/4 to the O.A. collectively) are pending for consideration, and, as such, the applicants would be fairly satisfied if directions are issued to the Respondent authorities to dispose of the same in a time bound manner.

5. As Respondents are not represented despite affidavit of service being on record, Rule 16(1) of the CAT (Procedure) Rules, 1987 is invoked and we are of the considered view that it would not be prejudicial to direct the Respondent authorities to dispose of the pending representations in accordance with law.



6. Accordingly, without entering into merits of the matter, we hereby direct Respondent No.3, who is the Joint Secretary (Admn.), Department of Telecommunications, or any other competent authority to examine the contents of the representations dated 27.07.2018 and 14.06.2019 (Annexure-A/4 to the O.A. collectively), if received at their end, and dispose of the same with a reasoned and speaking order, and, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The decision arrived at should be communicated to the applicants forthwith thereafter.

7. With these directions, the O.A. is disposed of. There will be no orders as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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