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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/1215/2019
MA. 350/701/2019

Date of order: 17.09.2019

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

Partha Ghosh & 2 Ors.

Vs.

Defence

For the Applicant : Mr. S. K. Dutta, Counsel

For the Respondents : None

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM.

Despite service none appears on behalf of the respondents

2. Applicants 3 in numbers, aggrieved with the action of the respondents authority for introducing revised Recruitment Rules on 28.09.2018 in the midst of a selection process initiated from February, 2018 in terms of the pre-revised recruitment rules, have come up with the following prayers:

"8(a) An order holding that the applicants are entitled to the provisions to the post of LDC as per Recruitment Rules prevalent prior to September, 2018 for which the applicants were already considered pursuant to a selection process initiated in February, 2018 against 10% quota.

(b) An order directing the respondents to grant promotion to the applicants against 10% quota as per result of the selection initiated in February, 2018 for promotion to the post of LDC against 10% quota with effect from the date the promotion was made in favour of 15 non-industrial employees with all consequential benefits.

(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other order or order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. The applicants lament that they were eligible to be considered for promotion to the post of LDC in terms of erstwhile rules. Due to introduction of 28.09.2018 circular they stood excluded as non-industrial employees. They preferred representation seeking consideration in terms of the erstwhile Recruitment Rules that prevailed when the selection process was initiated, which is yet to be disposed of by the authorities.

4. Since no fruitful purpose would be served by calling for a reply in this matter, unless the representation is decided by the respondent authorities and the representation is pending since 28.05.2019, we dispose of the OA with a direction upon the respondent no. 2 or any other competent authority to consider the representations of the applicants, look into the grievance of the applicants, consider it in accordance with law, keeping in mind that selection process was initiated prior to introduction of revised rules, and rules of the game cannot be altered when the game is on, issue an appropriate reasoned and speaking order within a period of 8 weeks from the date of receipt of copy of this order.

5. In the event it gets revealed that the applicants deserve the relief as sought for, the same may be accorded within this period.

6. It is made clear that we have not entered into the merits of this matter and therefore, all points are kept open for consideration by the respondents authority.

1215/2019.

7. Till such time 3 posts of LDC in question be kept vacant in case the posts are still available.

8. Accordingly, OA stands disposed of. No costs.

Consequently, MA also stands disposed of.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

pd

