

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
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O.A. 350/1175/2019

Date of order: 14.11.2019

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Partha Saha,
Son of late Paritosh Saha, aged about 55
years, residing at Congress para,
P.S. and Dist- Jalpaiguri,
Pin- 735101,
Working as Sub-Divisional Engineer,
Central Water Commission, Reshi Bazar,
West Sikkim.

..... Applicant.

-versus-

1. Union of India, service through
Secretary, Ministry of Water Resources
River Development & Ganga
Rejuvenation, 627, Shram Shakti
Bhavan, Rafi Marg, New Delhi-
110001.
2. Secretary, Central Water Commission,
Room No. 313 (S), Sewa Bhawan, R. K.
Puram, New Delhi- 110066.
3. Superintendent Engineer, Investigation
Circle, Central Water Commission,
Tadong, Gangtok, Pin- 737 102.

..... Respondents.

For the Applicant : Mr. A. K. Manna, Counsel

For the Respondents : None

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

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) An order holding that denial of MACPS to the applicant on the basis of below benchmark grading of 2015-16 as made in the impugned decision/letter dated 19.2.2019 is not sustainable and, hence, the same is liable to be quashed/set aside.

(b) An order holding that downgrading of APAR from 'very good' to 'good' by the Reviewing Authority, after accepting assessment of Reporting Officer and without any note of disagreement is arbitrary, illegal and bad in law, and for that matter liable to be quashed.

(c) And order quashing the impugned decision/order dated 19.2.2019 passed by the respondent authorities.

(d) An order issuing direction upon the respondent authorities to take necessary steps for granting MACPS to the applicant with all consequential benefits.

(e) An order directing the respondent authorities to cause production of relevant documents.

(f) Any other order or further order/orders as this Hon'ble Tribunal may deem fit and proper."

2. Heard Ld. Counsel appearing on behalf of the applicant. Affidavit of service is taken on record; examined documents as contained in the Original Application.

3. The submissions of the applicant are that he had joined as a Junior Engineer with the respondent authorities, and promoted subsequently as Sub-Divisional Engineer. The applicant was

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granted his first ACP w.e.f. 9.8.99 and became eligible for the grant of 3rd MACPS after completion of 30 years of service, that is, w.e.f. 7.9.2017. The 3rd MACPS, however, was denied to him on the alleged ground of below bench mark grading of "Good" during the year 2015-2016. The applicant had represented on 30.10.2018 and 10.12.2018 praying for grant of 3rd MACPS, but, the respondent authorities, vide their communication dated 19.2.2019 (Annexure A-4 to the O.A.), rejected his claim on the ground of grade below bench mark. The applicant, thereafter, represented once again on 25.5.2019 (Annexure A-7 to the O.A.) praying for reconsideration of his grades for the year 2015-2016.

Ld. Counsel for the applicant would furnish an O.M. of DoP&T dated 22.10.2019 whereby consolidated guidelines have been issued regarding Modified Assured Career Progression Scheme for the Central Government civilian employees. Ld. Counsel would further urge that, as the applicant is squarely covered by the consolidated guidelines, as contained in Office Memorandum dated 22.10.2019, he may be given liberty to prefer a comprehensive representation to the respondent authorities, annexing the said Office Memorandum in his support.

4. Accordingly, I allow the applicant concerned to prefer a comprehensive representation to the respondent authorities citing relevant Office Memorandum as well as judicial decisions, if any, in his support, within a period of three weeks from the date of receipt of a copy of this order. The said competent respondent authority, upon receipt of such representation, shall, examine the

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representation in accordance with law, and issue a speaking order within a further period of 8 weeks thereafter, and convey such decision to the applicant forthwith thereupon.

Needless to say, I have not entered into the merits of the matter and the respondent authorities are at liberty to decide on the issues raised by the applicant in accordance with law.

5. With these directions, the O.A. is disposed of. No costs.

