

**(2019) 12 CAL CK 0070**

**In the Calcutta High Court**

**Case No : Wp. Central Tribunal (WPCT) No. 304 Of 2015**

Anita Bala

APPELLANT

Vs

Union Of India & Others

RESPONDENT

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**Date of Decision : 10-12-2019**

**Acts Referred:**

**Citation : (2019) 12 CAL CK 0070**

**Hon'ble Judges : Debangsu Basak, J;Sabyasachi Bhattacharyya, J**

**Bench : Division Bench**

**Advocate : Anjili Nag, V.D.Sivabalan**

**Final Decision : Disposed Of**

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## **Judgement**

The petition is directed against an order dated October 01, 2019 passed by the Central Administrative Tribunal, Calcutta Bench at Kolkata in OA 1265 of 2019.

By the impugned order, the Central Administrative Tribunal refused to grant stay of the office orders no.930, 931 and 932 all dated August 30, 2019. However, the Central Administrative Tribunal directed that in case the petitioners receive any benefit during the period which they served as Junior Engineers in ad hoc capacity the same shall not be recovered from the petitioners by the authorities.

Learned advocate appearing for the petitioners submits that, the Central Administrative Tribunal while passing the impugned order failed to take into consideration that, the Central Administrative Tribunal in its earlier order dated January 29, 2008 directed working of the vacancies for the purpose of consideration of promotion in a particular manner. The authorities undertook the promotion in such manner. The petitioners were promoted in accordance with such direction passed by the Central Administrative Tribunal in 2008. It is subsequently, in 2019 that, the impugned office orders were passed by which, the petitioners were sought to be reverted to earlier positions. She submits that, since prima facie case was made out by the petitioners, the petitioners were entitled to interim protection of stay of the impugned office memoranda. She

submits that, the Central Administrative Tribunal erred in not granting an interim order as prayed for. In the alternative and without prejudice of her previous contentions, the learned advocate for the writ petitioners submits, the Central Administrative Tribunal may be directed to dispose of the proceeding as expeditiously as possible. The next date of hearing being fixed on January 13, 2020, she submits that, the application may be disposed of by the Central Administrative Tribunal on such date.

The respondents are represented.

The petitioners before us approached the Central Administrative Tribunal challenging three office orders all dated August 30, 2019 by which the petitioners were reverted to a post which they held prior to their promotion in 2010. The petitioners before us were appointed on ad hoc basis in 1992. They are governed by promotion Rules of 2009. Prior to the promotion Rules of 2009 coming into effect in a proceeding before the Central Administrative Tribunal, an order dated January 29, 2008 was passed directing the authorities to work on the promotional avenues in a particular way. The petitioners were promoted in accordance with such order in 2010 overlooking the Rules of 2019. The authorities discovered their mistake in 2019 when the impugned office orders were passed which were challenged before the Central Administrative Tribunal.

The Central Administrative Tribunal while considering an interim application for grant of stay of the three impugned orders, observed that, took into consideration the fact that, the authorities did not apply the 2009 Rules which superseded the earlier order of the Central Administrative Tribunal dated January 29, 2008 while granting the promotion in 2010. The Central Administrative Tribunal, therefore, hesitated to pass any interim order in favour of the petitioners.

In our considered opinion, the Central Administrative Tribunal correctly refused to grant interim order as prayed for by the petitioners, as grant of such interim order would tantamount to the grant of final reliefs without the issues raised in the proceeding being decided finally. Moreover, the impugned order of the Central Administrative Tribunal provides that the authorities will not recover the benefits which the petitioners received during their period in which they stood promoted. Therefore, according to us, the Central Administrative Tribunal adequately protected the parties.

In view of the discussions above, we are not inclined to interfere with the impugned order of the Central Administrative Tribunal. We, however, request the Central Administrative Tribunal to dispose of OA No.1265 of 2019 as expeditiously as possible preferably within six weeks from January 13, 2020. The Central Administrative Tribunal will not grant any unnecessary adjournment to any of the parties.

WPCT No.304 of 2019 is disposed of accordingly. No order as to costs.