

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 351/00393/AN/2020
M.A. 351/00226/AN/2020

Date of order: 31.7.2020

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

1. Arfan Ali,
Son of Shri Ashique Ali,
Aged about 22 years
Residing at Dignabad,
Port Blair, Pin – 744101,
2. Usman,
Son of Shri O.K. Mohammed,
Residing at Ograbraj,
Port Blair, South Andaman,
Pin – 744202.
3. Srithi Rani Mondal,
Daughter of Late Chaitanya Mondal,
Residing at Thoraktang Nallah,
Post Office – Swadesh Nagar,
Pin – 744201.
4. Nisha Kajur,
Daughter of Shri Sunil Kajur,
Residing at Diary Farm,
Port Blair, Pin – 744101.
5. Swati Thakur,
Daughter of Shri Sanjay Kumar Thakur,
Residing at Lamba Line, Ranchi Basti,
Near Shiv Mandir,
Post Office – Janglighat,
Port Blair, Pin – 744202.
6. Rakesh Wagh,
Son of Shri Kailash Wagh,
Residing at Makka Pahar,
Calicut, Port Blair.
7. Rohit Roy,
Son of A.S. Roy,
Residing at Quarter No. – JG 192,
Janglighat, Port Blair.
8. M. Siva Stalin,
Son of Shri S. Micheal,
Residing at Phongychaung,
Port Blair, Pin 744101.



9. G. Erulappan,
Son of Shri S. Guruswamy,
Residing at Aberdeen Bazar,
Port Blair, Andaman.

10. Prusotham Kumar,
Son of Late Gautam Singh,
Residing at Dean Street,
Junglighat Port Blair, South Andaman.

11. P.H. Dweepak Das,
Son of Shri P.G. Haridasan,
Residing at Bird Line, Calicut,
Port Blair, Andaman Islands.

12. A.K. Zaheer Haneef,
Son of Shri A.K. Haneef,
Residing at Wimberlygunj,
South Andaman,
Pin – 744206.

13. A.R. Mohd. Waseem,
Son of Shri Arulalan,
Residing at H. No. 92, near BSNL Office,
Mayabunder,
Pin – 744204.

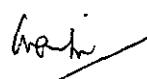
14. Debabrota Halder,
Son of Shri Dulal Chandra Halder,
Residing at Ma Kali Temple,
Nimbuila, Rangat,
Pin – 744205.

15. Sujan Mazumder,
Son of Shri Subash Mazumder,
Residing at Nimbutala,
Ambakung (PV),
Pin 744206.

16. Arnab Banerjee,
Son of Shri Anup Kumar Banerjee,
Residing at Shipping Colony,
Dollygunj.

17. Prosanjit Biswas,
Son of Shri Kalipada Biswas,
Residing at Type-I, Quarter No. 8,
Obrait, Old Pahargaon,
Port Blair – 744103.

18. Geeta Rani,
Daughter of Ratan Singh,
Residing at Ograbraj,
South Andaman,



Pin - 744106.

19. Rizwana,
Daughter of Shri K. Rasheed,
Residing at DP-1, Typoe-2, Quarters, Delanipur,
Port Blair,
Pin - 744101.
20. Rubina,
Daughter of Shri Rufus Philip,
Residing at Govind Nagar,
Campbell Bay,
Pin - 744802.
21. P. Dilleswari,
Daughter of Shri P. Madhava Rao,
Residing at Garacharma,
Port Blair,
Pin - 744103.

.... Applicants.

Versus

1. Union of India
Service through the Secretary,
Government of India,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi - 110001.
2. The Lieutenant Governor,
Andaman & Nicobar Islands,
Raj Niwas,
Port Blair - 744101;
3. The Andaman & Nicobar Administration
Service through the Chief Secretary,
Andaman & Nicobar Administration,
Secretariat Complex,
Port Blair - 744101;
4. The Chief Secretary,
Andaman & Nicobar Administration,
Secretariat,
Port Blair - 744101;
5. The Secretary (Personnel),
Andaman & Nicobar Administration,
Secretariat,
Port Blair - 744101.

... Respondents.

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For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. P.K. Das, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

"(a) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicants have a common grievance and all of them aggrieved against non-getting the appointment against 10% vacant posts that will be filled up from the Waiting List Candidates which has been specified in the Vacancy Notice;

b) To pass an appropriate order directing upon the respondents to issue the offer of appointment in favour of the applicants from the panel of waiting list candidates in terms of Annexure A-2 of this original application those who are successful candidates although their names appeared in the panel of waiting list candidates, they are entitled for the post of MTS in terms of the Vacancy Notice dated 14.04.2017 because large number of candidates from the main list did not join in the various departments of the Andaman and Nicobar Administration in terms of the offer of appointment issued by the various department in favour of them in terms of the Vacancy Notice dated 14.04.2017 therefore in terms of the said notice dated 14.04.2017 against the posts those who are not joined, all the applicants are entitled to join to the post of MTS;

c) To pass an appropriate order directing upon the respondents to take immediate action for filling up the vacancies to the post of MTS from the panel of waiting list candidates in terms of the Vacancy Notice dated 14.04.2017 and in terms of the panel published on 2nd March, 2019 being Annexure A-1 and A-2 of this original application so that being the selected candidates from the panel of waiting list candidates, your applicant will get the appointment to the post of MTS since they are waiting for such appointment and all of them has already been overage and they will not get any job in the government department if they do not get the same in terms of the panel published on 2nd March, 2019 and in terms of vacancy notice dated 14.04.2017 being Annexure A-1 and A-2 of this original;

d) To pass an appropriate order directing upon the respondents to issue the offer of appointment in favour of present applicants in terms of Annexure A-2 of this original application along with all consequential benefits;"

2. Heard both Ld. Counsel. Examined documents on record. Matter is taken up for disposal at the admission stage.

3. An M.A. bearing No. 351/00226/AN/2020 has been filed praying for liberty to jointly pursue this Original Application. As the applicants share a



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common grievance, common cause of action and common interest, the same is allowed under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987, subject to payment of individual court fees.

The M.A. is disposed of accordingly.

4. The submissions of the applicants, as canvassed through their Ld. Counsel is, that the respondent administration had published a vacancy notice on 14.4.2017 for 1009 vacancies of various Gr. 'C' category posts, and, the aspirant applicants applied against such vacancy notice. That, on 2.3.2019, the authorities published a list of successful candidates, declared as entitled for appointment to the post of MTS. The present applicants were enlisted in the panel of wait listed candidates.

That, reportedly, a large number of selected candidates did not join the respondent administration who failed to fill up the consequent vacancies from the wait listed candidates. As per information obtained through RTI (Annexure A-5 to the O.A.), the applicants came to learn that more than 300 selected candidates did not join against the 1009 declared vacancies, but the respondent administration failed to fill up the resultant vacancies with the wait-listed candidates.

The applicants represented individually on 13.3.2020 (Annexure A-6 to the O.A. colly.) before the respondent authorities, but, there was no positive response from the authorities and the applicants, being apprehensive at becoming overaged and at not being appointed against resultant vacancies, have approached the Tribunal for redressal of their grievances.

Ld. Counsel for the applicant would urge that the representations of the applicants collectively at Annexure A-6 to the O.A. colly. are pending with the respondent authorities, who should be directed to consider the same in a time bound manner.

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5. Ld. Counsel for the respondents would not object to consideration of such representation in accordance with law subject to availability of vacancies.

6. Hence, with the consent of the parties, we hereby direct the competent respondent authorities to decide on the representations, if received at their end, in accordance with law, and, subject to availability of vacancies, within a period of 12 weeks from the date of receipt of a copy of this order and to convey their decision to the applicants in the form of reasoned and speaking orders.

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

M.A. is disposed of as noted at para 3 above subject to payment of individual court fees.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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