

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

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No. O.A. 351/00469/2020

Date of order: 15.07.2020

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

1. District Industries Centre Officer's Welfare Association represented by its President And having its registered office at Plot No. - 22, Deen Street Housing Coop. Society, Port Blair, Pin - 744 101.
2. P.G. Abhilash, Son of Late Dr. K. Peethambaran Asari, Aged about 45 years (date of birth - 24.9.1974), Working as Industries Promotion Officer (Credit) Under General Manager, District Industries Centre, Udyog Parisar, Middle Point, Port Blair - 744 101, Andaman & Nicobar Islands, Present pay Rs. 62,200 (Level - 7), Residing at C/o, Shri T. Kannaiah, Ground Floor, C-111, Machi Line, P.O. - Shadipur, Port Blair, South Andaman, A&N Islands.

.... Petitioners/ Applicants

Versus

1. Union of India, Through the Secretary To the Government of India, Ministry of Micro, Small & Medium Enterprises, Udyog Bhavan, Maulana Azad Road, New Delhi - 110 108.
2. The Lieutenant Governor, Andaman & Nicobar Islands, Raj Niwas, Port Blair, Pin - 744 101.
3. The Chief Secretary, Andaman & Nicobar Administration,

Lekh

Secretariat Building,  
Port Blair,  
Pin - 744 101.

4. Commissioner-cum-Secretary (Industries),  
Andaman & Nicobar Administration,  
Secretariat Building,  
Port Blair,  
Pin - 744 101.
5. The Secretary (Industries),  
Andaman & Nicobar Administration,  
Secretariat Building,  
Port Blair,  
Pin - 744 101.
6. The Secretary (Personnel),  
Andaman & Nicobar Administration,  
Secretariat Building,  
Port Blair,  
Pin - 744 101.
7. General Manager,  
District Industries Centre,  
Udyog Parisar,  
Middle Point,  
Port Blair - 744 101,  
Andaman & Nicobar Islands.

... Respondents.

For the Applicant : Mr. B.R. Das, Counsel  
Mr. K.K. Ghosh, Counsel

For the Respondents : Mr. R. Halder, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved at recent directions of the respondent authorities, purportedly detrimental to those employed in District Industries Centre, Andaman and Nicobar Administration, the applicant No. 1, namely, the District Industries Centre & Officers' Association, along with another, has

*Ans*

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

- I. Rescind, recall, withdraw and cancel and/or amend/modify with the approval of the Respondents 1 & 7 the Order (Annexure A1) in consideration of the orders A7 declaring the DIC organization as not a part of Directorate of Industries, A&N Administration.
- II. Rescind, recall, withdraw the orders (Annexure A-2 & A-3) issued under authority of Respondent No. 5 directing diversion and posting of staff from DIC and vice-versa.
- III. Allow the petitioners to move jointly under Rule 4(5)(b) under CAT (Procedure) Rules considering that the petitioners have common cause of action.
- IV. Certify and transmit the entire records and papers pertaining to the applicants case so that after the causes shown thereof concessionable justice may be done into the applicants by way of grant of appropriate reliefs as prayed for in I to III, above.
- V. Pass such other order/orders and/or direction/directions as deemed fit and proper."

2. An M.A. bearing No. 351/00275/2020 arising out of the said O.A., has been filed by the applicants to jointly pursue this Original application. As the applicants share a common grievance, common cause of action and common interest, and, as the underlying conditions for grant of such liberty to the Association, namely, Applicant no. 1, is satisfied, such liberty is granted under Rule 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987, subject to payment of individual court fees.

M.A. is disposed of accordingly.

3. Ld. Counsel for the applicants would submit that the applicant No. 1, is in representative capacity, and applicant No. 2 is employed with the District Industries Centre of the respondent authorities. That, the said District Industries Centre was fully funded by Central Government in the case of Union Territories, and, that, in 1992, although the Government of India had transferred the Centrally sponsored Scheme of DIC to the respective States, DICs established in Union Territories, however, were not included in such transfer.

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Despite the fact that ownership and funding continue to remain with the Government of India, the A&N Administration, had, *suo motu*, conducted a *denovo* assessment of the activities of the District Industries Centre, and, a consequent proposal on restructuring and redeployment of staff of DIC was sought to be implemented unilaterally by the respondent administration. Such proposal implied that vacant posts in DIC was not to be replenished, and, that the General Manager and other officials should report to the Director of Industries. The applicants apprehend that such decision would have an adverse effect on the service conditions, particularly, seniority and promotion prospects of the DIC employees.

According to the applicants, resultant posting orders diverting them to the office of the Director of Industries was done without the requisite concurrence of the Government of India, and, that the respondent authorities were of the opinion that DIC was poised for self-liquidation which, the applicants allege, would lead to adverse implications for the DIC employees. Ld. Counsel, would, further aver that the applicant No. 1, had, on behalf of the concerned employees, represented on 1.6.2020 (Annexure A-4 to the O.A.) in which it had requested the respondent authorities to review the respondent authority's orders dated 15.7.2019 and 21.10.2019 respectively in the interest of the Officers and staff of the establishment of DIC, A&N Administration.

Ld. Counsel would urge that, as the respondent authorities have not decided or conveyed their views on such representation preferred by applicant No. 1, a direction be issued on the concerned respondent authority to decide on the representation in a time bound manner.

4. Ld. Counsel for the respondents would state that the representation is being examined by the authorities and does not object to disposal of such representation in accordance with law.

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5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, I hereby direct the concerned respondent authorities, to accord a hearing to the office bearers of Applicant No. 1 as well as to Applicant No. 2, and, thereafter, to decide in accordance with law on the pending representation (at Annexure A-4 to the O.A.), within a period of 12 weeks from the date of receipt of a copy of this order.

The decision arrived at should be conveyed to the applicants in the form of a reasoned and speaking order forthwith thereafter.

The respondent authorities are further directed not to take any steps prejudicial to the cause of the applicants till disposal of the representation.

6. With these directions, the O.A. is disposed of with liberty to agitate afresh in case further grievance persists.

The M.A. is disposed of as noted in Para 2 above, subject to applicant's payment of individual court fees.

(Dr. Nandita Chatterjee)  
(Administrative Member)

SP