

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A/351/534/AN/2020

Date of Order: 4.8.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Aswani Ram,
Son of Her Jeevan Ram,
Aged about 31 years,
Residing at Garacharma,
Port Blair,
District – South Andaman,
Pin – 744 105.

... Applicant

- V E R S U S -

1. The Andaman & Nicobar Administration,
Service through the Lt. Governor,
A&N Island,
Raj Niwas,
Port Blair – 744 101.
2. The Secretary (Power),
A&N Administration,
Secretariat,
Port Blair – 744 101.
3. The Assistant Director (Administration),
Electricity Department,
A&N Administration,
Port Blair – 744 101.
4. The Superintending Engineer,
Electricity Department,
A&N Administration,
Port Blair – 744 101.

... Respondents

For The Applicant(s): Mr. B. Samanta, counsel
Ms. A. Roy, counsel

For The Respondent(s): Mr. P.K. Das, counsel

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ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

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

- “(a) Leave be granted to move the instant application ex-parte and/or out of turn dispensing with service of notice upon the respondent authorities in view of the urgency pleaded in paragraph 4(f) hereinabove;
- (b) Direction do issue directing the respondent authorities to consider the comprehensive representation of the applicant prior to issuance of offer of appointment under the selection process and thereupon issue offer of appointment to the eligible including the applicant by acting in accordance with the facts and law as stated in the said comprehensive representation;
- (c) Injunction do issue restraining the respondent authorities from issuing offer of appointment without first considering the comprehensive representation of the applicant and acting in accordance with the facts and law as stated therein;
- (d) Direction in the nature of certiorari do issue upon the respondent authorities directing them to produce and/or cause to be produced the entire records of the case and thereupon to pass necessary orders for rendering conscionable justice;
- (e) Cost and costs incidental hereof;
- (f) Any other relief(a) as may commence to this Learned Tribunal;
- (g) And/or to pass such other or further order or orders as to your Lordships may seem fit and proper.”



2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would like to submit that the applicant, an OBC candidate, having qualified in BE (Electrical & Electronics), had applied for the post of Junior Engineer in the Electrical Department of the respondent administration pursuant to an advertisement dated 05.02.2018, as modified on 24.1.2019.

That, as per the provisional merit list, the applicant was listed at Srl. No. 27 in the combined merit list and at Sl. No. 6 in the OBC category. The applicant had represented on 27.5.2020 (Annexure A-4 to the O.A.) in which he had argued that, out of the 5 OBC candidates who had been shortlisted as per the provisional merit list (Annexure A-2 to the O.A.), three had already

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joined as Junior Engineer in the APWD, and, accordingly, there were only two short-listed OBC candidates placed above the applicant. The applicant would further aver that out of such three OBC candidates, the candidate at Srl. No. 10 had obtained marks higher than that obtained by the last candidate in the General category, and, hence, the candidate at Srl. No. 10 would qualify for selection in the General category and not in the OBC category. Hence, according to the applicant, there are only two OBC candidates who are eligible for selection of which he is the second OBC candidate in terms of merit. Accordingly, he would claim appointment in the OBC category in the post of Junior Engineer in the Electricity Department of the respondent administration.

Ld. Counsel for the applicant would urge that a direction be issued on the respondent authorities to dispose of the applicant's representation in a time bound manner, particularly prior to issuance of offer of appointment to OBC candidates.

4. Ld. Counsel for the respondents would furnish the complete merit list before us wherefrom it transpires that candidates at Srl. No. 3, 6, 10, 15, 16 and 27 are all from the OBC category but nothing is placed before us to dispute the claim of the applicant that the candidates at Srl. No. 3, 6 and 16 have joined APWD as Jr. Engineer (E&N), or that the candidate at Sl. No. 10 would qualify in General category.

Ld. Counsel for the respondents would also clarify that, as notified at Annexure A-1 to the O.A., vide corrigendum issued on 24.1.2019, the vacancy position stood modified to 14 of which 5 would be from General category, 2 from OBC and 7 from ST category respectively.

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Ld. Counsel for the respondents, however, would not object to disposal of the applicant's representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the concerned respondent authority to decide on the representation of the applicant at Annexure A-4 to the O.A., (if received at his end), in accordance with law, and, subject to availability of vacancies, within a period of 8 weeks from the date of receipt of a copy of this order. The authority should, thereafter, convey his decision to the applicant in a reasoned and speaking order.

Till the representation is disposed of, one post of Jr. Engineer in the Electricity Department earmarked for OBC category, should be kept vacant by the respondent department.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.



(Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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