

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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O.A. 351/843/2021

Date of order: 11.06.2021

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

1. Sunil Kumar, Aged about 45 years,
S/o Late V K Sashidaran, R/o Haddo, Port Blair
Working as Seaman Directorate of Shipping
Services Interisland Sector, Port Blair – 744 101.
2. Sri G Satnarayana, Aged about 52 years,
S/o Late G. Gopal Rao, R/O Haddo, Port Blair,
Working as Seaman, Directorate of Shipping
Services Interisland Sector, Port Blair – 744 101.

..... Applicants.

-Versus-



1. The Union of India, Through the Secretary,
Ministry of Shipping, Jahaj Bhavan, New Delhi
– 110 006.
2. The Andaman & Nicobar Administration,
Through the Chief Secretary, Andaman &
Nicobar Islands, Port Blair – 744 101.
3. The Commissioner-cum-Secretary (Shipping),
Andaman & Nicobar Administration,
Secretariat, Port Blair – 744 101.
4. The Secretary (Shipping), Andaman &
Nicobar Administration, Port Blair – 744 101.
5. The Director, Directorate of Shipping Services,
Andaman & Nicobar Administration,
Port Blair – 744 101.

6. The Assistant Director (Admn),
Directorate of Shipping Services,
Andaman & Nicobar Administration,
Port Blair – 744 101.
7. Shri Sajy Mathew, R/o Prothrapur,
Near Daya Sagar Hall, Port Blair,
Working as Seaman, Directorate of
Shipping Services, Interisland Sector,
Port Blair – 744 101,
Mob. No. 9434283068.
8. Shri Biswaranjan Barai, R/o 48/1, MA
Road, Phoenix Bay, near Murugan Medical
Stores, Post – Haddo, Working as Seaman,
Directorate of Shipping Services,
Interisland Sector, Port Blair – 744 101,
Mob. No. 9474238700.
9. Shri K. Chalapati Rao, R/o Haddo, opposite
to Tirupati Temple, Ward No. 2, Haddo, Port
Blair, Working as Seaman, Directorate of Shipping
Services, Interisland Sector, Port Blair – 744 101.
10. Shri A. Dayanithi, R/o South Point,
Near Rajiv Gandhi Nagar, Near ANIIDCO
Bhawan, Port Blair, working as Deck Utility
Hand, Directorate of Shipping Services,
Port Blair – 744 101, Mob. No. 9434261926.
11. Shri C. Babu, R/o South Point,
Near South Point Masjid, Port Blair,
Mob. No. 9474268757.
12. Shri P. Uday Kumar, R/o Garacharma-2,
Near Primary School Teachers Quarter,
Garacharma-2, Port Blair,
Mob. No. 9434262001.

.....Respondents.

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

For the Respondents : Mr. R. Halder, Counsel



O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

This application has been filed to seek the following reliefs:

"8(a) An order/orders/setting aside/quashing the orders dated 23.04.2021 & 30.04.2021 passed by the respondent authorities.

(b) An order be passed directing the respondents/Director of Shipping Services to promote the applicants to the post of Deck Sarang by following the order passed by the Director General of Shipping dated 24.02.1972.

(c) An order directing the respondent authorities to act in accordance with law.

(d) An order do issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done.

(e) Such other or further order direction or directions, as your lordship deem fit and proper in the interest of justice.

(f) Leave be granted to move one Single application jointly under rule 4(5)(a) of CAT Procedure Rules, 1987."

2. Heard Id. Counsel for both sides.

3. At hearing, it transpired that the applicants would be satisfied if liberty is given to the applicants to prefer a comprehensive representation before the authorities ventilating their grievance as projected by them in this OA.

4. Applicants have submitted that despite rendering service from the year 2000 to 2007 continuously, they have not been appointed to the post of Deck Sarang whereas their juniors have been considered and appointed. Therefore the respondents have discriminated between two sets of identically placed employees.

5. In view of the objection raised by the respondents in regard to non-compliance of Section 20 of the AT Act, 1985, Id. Counsel for applicants would seek liberty to prefer a comprehensive representation before the respondent authorities within a period of 4 weeks.

6. Therefore, the applicants are given liberty to prefer a comprehensive representation to ventilate their grievance appropriately, within 4 weeks, which if preferred shall be considered in accordance with law and disposed of with a reasoned and speaking order within 2 months thereafter.

7. Till such time, the private respondents impleaded in the present application shall not be given promotion, if not already given.

8. Ld. Counsel for respondents, while considering such promotion for the applicants shall give a personal hearing to both the applicants as well as private respondents with due notice where both shall place their relevant documents for due consideration.

9. With the above directions and observations, the OA would stand disposed of. No costs.

Liberty is given to the parties to communicate the gist of the order for communication and compliance.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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