

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
(CIRCUIT AT PORT BLAIR)**

LIBRARY

**No. O.A. 351/00916/2020**

**Date of order: 28.12.2020**

**Present:**     **Hon'ble Ms Bidisha Banerjee, Judicial Member**  
                  **Hon'ble Mr Tarun Shridhar, Administrative Member**



Shri S. Sadasivan,  
Aged about 48 years  
S/o Shri M.K. Sathaiah,  
Working as Regular Mazdoor,  
Electricity Department,  
Presently posted at Diary Farm Site Office,  
R/o Diary Farm, Port Blair.

.....Applicant

- Versus -

1. The Union of India,  
Through the Ministry of Pwer,  
Urja Bhawan,  
New Delhi-110001
2. The Andaman & Nicobar Administration,  
Through the Lieutenant Governor,  
Andaman & Nicobar Island,  
Port Blair- 744101.
3. The Chief Secretary,  
Secretariat,  
Andaman & Nicobar Island,  
Port Blair- 744101.
4. The Secretary (Power),  
Andaman & Nicobar Administration,  
Secretariat,  
Port Blair- 744101.
5. The Superintending Engineer,  
Electricity Department,  
Vidyut Bhavan, Port Blair- 744101.
6. The Executive Engineer,  
Headquarter Division,  
Electricity Department,  
Port Blair- 744101.
7. The Assistant Director (Admn.)  
Department of Electricity,  
Andaman & Nicobar Administration,  
Port Blair- 744101.

.....Respondents

*(Signature)*

For the applicant : Ms A. Nag, Counsel  
 For the Respondents : Mr K. Rao, Counsel

**ORDER (ORAL)**

**MR TARUN SHRIDHAR, MEMBER(A)**

The applicant Shri S. Sadasivan working as regular Mazdoor in the Electricity department seeks the following reliefs :



- a) An order be passed quashing/setting aside the letter/order dated 13.07.2020 passed by the respondent No.7 whereby the respondent No.7 cancelled the promotion of the applicant on the ground that the applicant has not reported for duty to the post of MRLCC at the new place of posting i.e. Diglipur.
- b) An order directing the respondent authorities to act in accordance with law.
- c) An order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done.
- d) Such other or further order direction or directions, as your lordships deem fit and proper in the interest of justice.

2. A bare perusal of the above would indicate that only substantive relief sought is quashing the letter written by Assistant Director, Administration on 13.07.2020 which indicates that the promotion of the applicant from the post of Mazdoor to the post of MRLCC is deemed to have been cancelled since he did not assume duties within a period of 15 days from the date of order of promotion as stipulated in the said order.

3. A very brief history of the case is that vide order dated 09.08.2019 the applicant on promotion was posted to the office of EE(NAD) Diglipur. His earlier posting was in the office of EE (HQ) Diary Farm. On 21.08.2019 by way of partial modification he was retained at his earlier place of posting. This order was further amended on 30.08.2019 and his posting in Diglipur on promotion was restored. Since the applicant was deemed to have been relieved on 30.08.2019 it was expected that he would report for duty at Diglipur his new place of posting. However, the letter dated 13.07.2020 which is under challenge in this O.A indicates that the applicant has not complied with the order.

*(Signature)*



4. Ld. Counsel for the applicant argues that the order dated 30.08.2019 was never communicated to the applicant, hence the authorities cannot rely upon this order to cancel the promotion order of the applicant. On the other hand the Ld. Counsel for the respondents informs that initial promotion and posting order was amended only on compassionate ground to accommodate the applicant for a short period at his original place of posting. However, on account of exigencies of work he was posted to Diglipur. Since it is posting on promotion, he has no ground to assail it. Assuming that the order dated 30.08.2019 which was never communicated to the applicant, it is now nearly 1 ½ years since the date of order. Without probing the matter further it is established that it has now come to the knowledge of the applicant that an order was passed on 30.08.2019 directing his posting at Diglipur. Therefore, it is expected that he would comply with the order; which he should do within 15 days from the date of receipt of this order.

5. The impugned order dated 30.08.2019 is partially set aside to the extent that the promotion of the applicant to the post of MRLCC shall not be cancelled on the ground that he failed to comply with the said order posting him to Diglipur. We reiterate that this relief is given to the applicant only on this condition that he would comply with the order of his posting to Diglipur forthwith, certainly not later than 15 days from the date of receipt of this order.

6. O.A is accordingly disposed of. No order as to costs.

(Tarun Shridhar )

Administrative Member

(Bidisha Banerjee )

Judicial Member