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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH AT CALCUTTA
CIRCUIT AT PORT BLAIR

O.A. No. 351/1467 /A&N/ 2020

In the matter of

An application under Section 19 of the
Administrative Tribunal Act, 1985

And

In the matter of :

Shri K Rajan,

S/o Late R. Karuppaiah,

Working as Computer Assistant Gr. 'A',

Presently posted at Raj Niwas on diverted capacity.

R/o Shiv Colony,

Near Shiv Mandir

Dollygunj,

Port Blair Thesil

South Andaman District

Pin - 744103

.....Applicant.

-Versus-

1. The Union of India,

(Service through Secretary)

Govt. of India, Ministry of Electronics & Information

Technology, Government of India, New Delhi-

110011.

2. The Andaman and Nicobar Administration,
Port Blair. (Service through Chief Secretary)
Andaman and Nicobar Administration,
Secretariat Port Blair.
Pin : 744101

3. The Officer on Special Duty
Shri. Praveer Kumar Singh,
Raj Niwas Port Blair,
Port Blair.-744101.

4. Shri. Praveer Kumar Singh,
Working as Officer on Special Duty
Raj Niwas Port Blair,
Port Blair -744101.

5. Smt. P. R. Seena
Private Secretary to LG,
Lt. Governor's Secretariat,
Raj Niwas,
Port Blair -744101.

.... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O.A.351/1467/2020

Date of order : 29.12.2020

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

K. RANJAN

VS.

UNION OF INDIA & OTHERS
(A&N Administration)



For the applicant : Mr. P.C. Das, counsel

For the respondents : Mr. K. Rao, counsel

ORDER

Bidisha Banerjee, Judicial Member

In this O.A. the applicant has sought for the following reliefs:-

"(i) An order be passed quashing the impugned memorandum dated 22.12.2020 issued by the Respondent No.5;

(ii) To declare the impugned memorandum dated 22.12.2020 issued by the Respondent No.5 is without justification and misuse the power which is abuse the process of law and with malafide intention which liable to be quashed."

2. The order impugned in the present O.A. dated 22nd

December, 2020 is extracted verbatim hereinbelow for clarity:-

Confidential

No 2131/2020/PE/LGS

उपराज्यपाल का सचिवालय

LIEUTENANT GOVERNOR'S SECRETARIAT

राज निवास, पोर्ट ब्लेयर, RAJ NIWAS, PORT BLAIR

अण्डमान तथा निकोबार द्वीपसमूह ANDAMAN AND NICOBAR ISLANDS

पोर्ट ब्लेयर, दिनांक

2020

Port Blair, dated the 22nd December, 2020Memorandum

Whereas, it has been reported that Shri K. Rajan, computer Assistant (Grade A) posted in this Secretariat since October, 2009, is found to be non-cooperative, rather showing the insubordinate attitude towards the OSD to LG who is also designated as Officer-In-Charge (IT Systems) at Raj Niwas.

Whereas, the following instances and assessment indicating towards his lack of initiative, tendency towards shirking of responsibility and by-passing supervisory channel have been reported:

Even after reminding several times by OSD to LG, Shri K. Rajan has not provided the progress or feedback report on preparation of line diagram of switches/modems, various lease line/broach and FTTH internet connections.

ii. Shri K. Rajan has always resisted the direction on actions to be taken towards capacity building of other select staff (having background knowledge of Computers/IT systems) by sharing contacts of staff of serving agencies involved and by sharing knowledge (without sharing of security passwords or sharing the same on need basis) for handling emergency situations such as emergency operation of IT systems, managing occasional emergency restoration of IT systems by simple steps such as rebooting systems etc.

iii. Shri K. Rajan has always avoided and never responded to the efforts taken by the OSD to LG and also no assistance/inputs has been provided during preparation of Minutes of the Meeting held with various stake holder departments i.e. GA, IT, BSNL, SOVTECH, NIC etc. in the past 6 months.

iv. The status reports on work assigned to Shri K. Rajan by OSD to LG are directly reported to HLG/Secretary to LG without bringing to the notice of OSD to LG, resulting the works again reverted back to OSD to LG.

v. The said official Shri K. Rajan is occasionally found unavailable in office timings (leaving the office without informing/seeking permission from superiors) or on phone after office hours.

Whereas, the following instances of misbehaviour/subordination on the part of Shri K. Rajan have been reported:

a) On 13.03.2020, he (Shri K. Rajan) has refused to assist in the process of extracting of images from PDF of the Daily Telegrams and drafting/uploading of the tweets and also misbehaved with the OSD to LG. His comments to the OSD to LG in the forenoon of 13.03.2020 in the office chamber of OSD to LG is loosely transcribed as "Sir, you are doing this to trouble me. Earlier, I used to operate Twitter handle of previous HLGs. You only took this work."

Contd. 2



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I don't report to you nor I am your staff. I am staff of Secretary Shri. Thereafter he stomped out of the office chamber of OSD to LG. Ever since, no assistance has been provided on this front.

- b) On seeking status of the work assigned to him by OSD to LG on 23.11.2020 at 2025 hrs over phone regarding providing of manual in hard copy for one of the electronic devices presently used by HLG and also why he did not update the status of work and intimate OSD to LG prior leaving office, he again reverted which could be loosely transliterated as "I left after testing the Video Conference link. I am not bound to tell you. Why should I tell you. You disconnected the phone." Thereafter he (Shri K. Rajan) disconnected the mobile phone and even after dialling back again by the OSD to LG at 2026 hours he did not respond.

Whereas, it has been reported that the difficult attitude of Shri. K. Rajan, Grade 'A' towards work, failure to report status of assigned works, failure to establish channels of work allocation, supervision as well as repeated instances of misbehaviour as stated above has made the overall supervision of IT devices difficult for the OSD to LG and also to extract work from him.

THE RAJORE, Shri K. Rajan, Computer Assistant (Grade 'A') is hereby called upon to take disciplinary action under relevant provisions of rule under CCS (Conduct) Rules, 1964 should not be initiated against him for violations of provisions of Rule 11(1) and Rule 1A of CCS (Conduct) Rules, 1964.

His explanation, if any, should reach the undersigned within 7 (seven) days of receipt of the Memorandum calling which it will be presumed that he has nothing to say in the matter and action appropriate will be taken at this end.

(P.R. Seena)

Private Secretary to LG,
LA Governor's Secretariat,
Raj Nivas, Port Blair.

To
Shri K. Rajan,
Computer Assistant (Grade 'A'),
LA Governor's Secretariat,
Raj Nivas, Port Blair.



The applicant has questioned the authority of said Private Secretary to Lieutenant Governor who issued the show cause, to issue a show cause to initiate a disciplinary action, as in the impugned order.

3. At hearing, Id. counsel for the respondents failed to justify issuance of a show cause by the Private Secretary to Lieutenant Governor.

Ld. counsel for the applicant would draw our attention to the order No.4517 dated 09.09.2003 as contained in Annexure A/1 to substantiate his claim that the Chief Secretary, A&N Administration had ordered appointment of the applicant and, therefore, authority of asking him to show cause under the threat of disciplinary action did not lay with the Private Secretary to Lieutenant Governor.

5. Having noted the aforesaid inconsistency and having noted the fact that the said Private Secretary to Lieutenant Governor did not have the power or authority to issue such show cause threatening disciplinary action, we quash the said order and allow the O.A.

6. No order as to costs.


(Tarun Shridhar)
Administrative Member


(Bidisha Banerjee)
Judicial Member