



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. MA 351/82/2018
OA 351/53/2017

Date of Order: 07.02.2018

Present: Hon'ble Manjula Das, Judicial Member

R. VENKATESH KUMAR
S/o Shri Raachandran
R/o Anarkali Village, Port Blair Tehsil,
South Andaman,
Aged about 33 years,
Presently working as Bus Conductor
on daily rated basis,
Bus Terminus, Port Blair,
Under Directorate of Transport
A&N Administration,
Port Blair.

APPLICANT

VERSUS

1. The Union of India,
Ministry of Road Transport & Highway,
Service through the Secretary,
Parivahan Bhavan,
New Delhi 100001
2. The Lt. Governor,
Raj Niwas, A&N Islands,
Port Blair-744101
3. The Chief Secretary,
A&N Administration,
Port Blair-744101
4. The Secretary-Cum-Director
Directorate of Transport
A&N Administration
Port Blair-744101
5. The Deputy Director,
Directorate of Transport,
A&N Administration
Port Blair-744101

RESPONDENTS.

For the Applicant(s) : Mr. S.S Sarkar, Counsel
Mr. R. Kumar, counsel

For the Respondent(s) : Mr. S.K Ghosh, Counsel

2

O R D E R (Oral)

Per Mrs. Manjula Das, Judicial Member:

Being aggrieved by the inaction of the respondent authorities, the applicant has approached this Tribunal under Section 19 of the AT Act, 1985 seeking the following reliefs:

- a) The applicants pray this Hon'ble Tribunal to permit the applicant to file the instant joint application in terms of the rule 4 (5) of the Central Administrative (Procedure) Rules, 1987 to file a single application as the cause of action and the nature of relief prayed for and have common interest in the matter
- b) An order do issue directing the Respondent No. 4 & 5 to consider the case of the applicants in view of the order passed by Hon'ble High Court Circuit bench at Port Blair laid down the principles for regularization of DRM working under the Directorate of Transport, within a period of two months from the date of order of this Hon'ble Court.
- c) An order do issue directing the respondent authorities to regularize the service of the applicant as per procedures adopted by respondent authorities for regularizing the services of other incumbents of bus conductor from the list of Daily Rated bus conductors against available vacancies time to time under the same Department vide office order Office Order No.288 dated 09.02.2007 (Annexure - "A-16"), Office No. 1685 dated 01.06.2007 (Annexure - "A-17"), Office Order No. 291 dated 04.02.2008 (Annexure - "A-19"), Office Order No. 2339 dated 16.09.2009 Annexure ("A-20"), & Office Order No. 3616 dated 27.11.2014 , (Annexure - "A-21") respectively.
- d) An order do issue directing the respondent authorities to constitute Departmental Selection Committee for regularizing the service of the applicants against the existing 54 vacancies of Bus conductors from the merit list of the Daily Rated Bus conductors in which the applicants have appointed after qualifying the selection recruitment test conducted by the Department.
- e) An order do issue commanding upon the respondent authorities particularly the respondents herein to certify and transmit all the records containing each and every documents pertaining to the above mentioned case before this Hon'ble Tribunal so as to adjudicate and to render consonable justice to the applicant.
- f) Any further order or orders, direction or directions may be passed which may deem fit and proper by this Hon'ble Tribunal in this case in the interest of justice.

2. Ld. Counsel for the applicant submits that in pursuance to the Employment Notice dated 27.06.2005 the applicant applied for the post of bus conductor on short term basis, after scrutinizing the marks obtained by the candidates in written examination and personal interview the A&N



Administration prepared a final merit list where the applicants were treated as qualifying candidates for the recruitment of post of Bus Conductor on contract basis. That the Directorate of Transport vide office order No. 1395 dated 24.05.2006 whereby and wherein the Directorate of Transport, A&N Administration issued office order for extension of contractual appointment of Bus conductors (First Batch) for a further period of 30.09.2006 or till filling up of vacant post, whichever is earlier. That on the recommendation of the Departmental Selection Committee the Director, Directorate of Transport Vide office order No. 1440 dated 29.05.2006 issued (Third) offer of appointment to the candidates from the final merit list prepared by the Department on the basis of recruitment test held on 08.10.2005 for the post of Bus conductor on Contract Basis. The Directorate of Transport pleased to engage/appoint on Daily Wages and also on the basis of the said order the application have been issued with order of postings.

DPC of the Directorate of Transport was convened on 07.02.2007. In the DPC meeting it has been decided to constitute a selection committee to fill up the vacant post of Bus Conductor on regular basis amongst the Bus Conductor appointed on contract basis. The selection committee DPC has been constituted to fill up 27 vacant post of bus conductor under General Category. The Departmental Selection Committee duly recommended names of the candidates who have been appointment on contract basis from the office order No. 1950 dated 28.10.2005 (First Batch) to be regularized on the existing vacancies. On the basis of the recommendation of DPC the 27 candidates have been given regular appointment against the existing vacancies of Bus Conductors and the DPC further recommended three more candidate names who have been given earlier appointed to be considered for regular appointment in the post of Bus conductor on resultant vacancies likely to be arise shortly. The applicants are still continuously working in the Department without any break in service. But till date the applicants have not been considered for absorption/regulärization in the available vacancies. The



applicants being aggrieved by such inaction of the respondent authorities filed a representation dated 07.12.2015. But till today, the same has not been considered. Hence the present O.A

3. Heard both the ld. Counsels and perused the pleadings and materials on record.

4. Ld. counsel for the applicant submitted that the applicant will be satisfied if the matter is remanded to the competent authority to consider and take a final decision into the grievance of the applicant. By accepting the submission made by the ld. Counsel for the applicant, without going into the merit, I direct the applicant to submit a copy of this original application along with the order passed today to the respondent authorities within a period of 15 days from the date of receipt of the copy of this order. On receipt of such representation, the respondent authority/competent authority shall dispose of the same by treating the OA as a representation by passing a reasoned and speaking order within a period of one month thereafter. It is made clear that the decision so arrived shall be communicated to the applicant forthwith. Till such time the impugned vacancy notice dated 15.01.2018 shall not be given effect to.

5. With the above observation direction the OA stands disposed of.

6. Liberty is however granted to the applicant to approach before this Tribunal if he is further aggrieved by the order passed by the respondent authorities.

7. Consequently, the M.A stands disposed of.

(MANJULA DAS)

JUDICIAL MEMBER

in