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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

Original Application No. 1352 of 2017

IN THE MATTER OF:

SUSHIM KUMAR BISWAS,

aged about 40 years, son of Late Haripada Biswas, working to the post of Post Graduate Teacher (Economics) in the Andaman College and residing at PBMC Door No. 1615, Citizen Colony, Lamba Line, Port Blair- 744103, South Andaman;

...Applicant

-Versus-

1. **UNION OF INDIA** service through the Secretary, Government of India, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-110001;

2. **THE LIEUTENANT GOVERNOR,**
Andaman & Nicobar Islands, Raj Niwas,
Port Blair-744101 ;

3. **THE ANDAMAN & NICOBAR ADMINISTRATION,** service through the Chief Secretary, Secretariat Complex, Port Blair-744101;

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4. THE PRINCIPAL SECRETARY

(EDUCATION), Andaman & Nicobar Administration, Secretariat Complex, Port Blair-744101.

5. THE DIRECTOR OF EDUCATION,

Andaman & Nicobar Administration,
Secretariat Complex, Port Blair-744101.

6. THE DEPUTY DIRECTOR OF

EDUCATION (ADMINISTRATION),
Andaman & Nicobar Administration,
Secretariat Complex, Port Blair-744101.

7. THE PRINCIPAL, Andaman College,

Chakragoan, Port Blair- 744101.

8. Dr. LAXMI, Assistant Professor (Hindi)

working on diverted capacity in Andaman College under the Director Of Education, Andaman & Nicobar Administration, Secretariat Complex, Port Blair-744101.

9. Miss. JONCHIBETH, Assistant Professor

(English) working on diverted capacity in Andaman College under the Director Of Education, Andaman & Nicobar Administration, Secretariat Complex, Port Blair-744101.

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10. Dr. AJITHA NARENDRAN, Assistant
Professor (Commerce) working on
diverted capacity in Andaman College
under the Director Of Education,
Andaman & Nicobar Administration,
Secretariat Complex, Port Blair-744101.

...Respondents.

Ad

No. O.A. 351/01352/2017

Date of order: 21.9.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

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

For the Respondents : Mr. S.K. Ghosh, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. P.C. Das, Ld. Counsel for the applicant and Mr. S.K. Ghosh, Ld. Counsel appearing for the official respondents.

2. Mr. S.K. Ghosh, Ld. Counsel for the official respondents submitted that as per his instruction the representation claimed to have been preferred by the applicant on 29.8.2017 (Annexure "A-22") has not yet been received by the official respondents. However, Mr. P.C. Das, Ld. Counsel for the applicant may supply xerox copy of the said representation to Mr. Ghosh during course of the day.

3. This OA has been filed by Mr. Sushim Kumar Biswas challenging impugned Office Order No. 2110 dated 28th August, 2017 issued by the Deputy Director Education (Administration), Andaman & Nicobar Administration by which he has been transferred from Andaman College to Senior Secondary School, R.K. Pur which is situated at Little Andaman, impugned Office Order No. 80 dated 29.8.2017 by which he was relieved from the Andaman College, impugned Office Order No. 285 dated 14.8.2017 by means of which by way of diverted capacity the A&N Administration have appointed three persons on diverted capacity as Professor of Andaman College and also non-consideration of the representation submitted by him on 29.8.2017. This O.A. has been filed praying for the following reliefs:

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"a) To quash and/or set aside the impugned Office Order No. 2110 dated 28th August, 2017 issued by the Deputy Director Education (Administration), Andaman & Nicobar Administration by which your applicant has been transferred from Andaman College to Senior Secondary School, R.K. Pur which is situated in the Little Andaman despite your applicant's good performance in the Andaman College as a Professor being Annexure A-19 of this original application which is clearly against the Office order dated 25th February, 2016 issued by the Principal, Andaman College whereby your applicant was nominated as Advisory Committee for the period 10.2.2016 to 9.2.2019 wherein the name of the applicant appeared at Serial No. 4 being Annexure A-11 of this original application.

b) To quash and/or set aside the impugned office order No. 80 dated 29th August, 2017 whereby your applicant also relieved from the Andaman College being Annexure A-20 of this original application which is clearly against the Office Order dated 25th February 2016 issued by the Principal, Andaman College whereby your applicant was nominated as Advisory Committee for the period 10.2.2016 to 9.2.2019 wherein the name of the applicant appeared at Serial No. 4 being Annexure A-11 of this original application;

c) To quash and/or set aside the impugned Office Order No. 285 dated 14th August, 2017 by which by way of diverted capacity by replacing your applicant, the Andaman & Nicobar Administration appointed three persons on diverted capacity as Professor of Andaman College which is absolutely against the law and order being Annexure A-21 of this original application which is clearly against the Office Order dated 25th February 2016 issued by the Principal, Andaman College whereby your applicant was nominated as Advisory Committee for the period 10.2.2016 to 9.2.2019 wherin the name of the applicant appeared at Serial No. 4 being Annexure A-11 of this original application.

d) To pass an appropriate order directing upon the respondent authority to allow your applicant for performing as a Professor in the Andaman College in terms of the Office Order dated 25th February, 2016 issued by the Principal, Andaman College whereby your applicant was nominated as Advisory Committee for the period 10.2.2016 to 9.2.2019 wherein the name of the applicant appeared at Serial No. 4 being Annexure A-11 of this original application."

4. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant was initially appointed vide appointment order No. 2995 dated 18th September, 1996 to the post of Post-Graduate Teacher in Economics. He was posted at Andaman College. He joined thereon 15.5.2015 and thereafter he was relieved for joining duty in new establishment. He submitted his joining report. Subsequently on 29.8.2014 the respondent authorities issued an office order transferring him from

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Senior Secondary School, Rangat to State Institute of Education, Port Blair. He was also nominated as an Internal Subject Expert/Member Secretary for the Selection Committee for selecting Assistant Professors on contract basis. Thereafter several office orders were issued on 25.2.2016, 4.3.2016, 18.5.2016, 2.6.2016, 4.1.2017 nominating the applicant to do various jobs in the Andaman & Nicobar Administration. He was relieved of his duties from the Andaman College w.e.f. 29.8.2017 and on 14.8.2017 the respondent authorities issued an office order by which three persons were appointed on diverted capacity replacing the applicant. He preferred a representation on 29.8.2017, which are still pending consideration.

5. Mr. Das, Ld. Counsel for the applicants submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 5 to dispose of the representation dated 29.8.2017 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 5 that, if any, such representation as claimed by the applicant has been preferred on 29.8.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicants grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 5 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 29.8.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of

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receipt of a copy of this order.

8. With the aforesaid observation and direction, the O.A. is disposed of.
9. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 5 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.
10. Status quo as on date so far as the applicant's continuance in his present place of posting will be maintained till the representation is considered and disposed of and the result thereof communicated to the applicant.

(Dr. Nandita Chatterjee)
Administrative Member


(A.K. Patnaik)
Judicial Member

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