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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

Title of the Case :

O.A. No. 1356 /A & N of 2017

Dr. Y. Ganesh, son of Late Y. Gurumurthy
✓ aged about 51 years, residing permanently
at Loknath Coloney, Ground Floor, Flat No.01,
A/1, Post Office – Dolly Gunj, Port Blair,
South Andaman, Pin 744102, Andaman &
Nicobar Islands working to the post Librarian,
Grade – II, Andaman College, Port Blair.

..... Applicant

- Versus -

1. Union of India through the Secretary,
Ministry of Human Resources Development,
Government of India, Shastri Bhavan,
New Delhi 110001.
 2. The Lieutenant Governor, Andaman & Nicobar
Islands, Raj Niwas, Port Blair, Pin – 744101.
 3. The Andaman & Nicobar Administration
through the Chief Secretary, Andaman &
Nicobar Administration, Secretariat, Port
Blair, Pin – 744101.
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4. The Principal Secretary (Education)
Andaman & Nicobar Administration,
Secretariat, Port Blair, Pin - 744101.
5. The Director of Education, Andaman &
Nicobar Administration, Education
Department, Port Blair 744101.
6. The Deputy Director of Education (Perl.)
Andaman & Nicobar Administration,
Director of Education, Port Blair,
Pin - 744101.

..... Respondents.

Wd

No. O.A. 350/01356/2017

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 September, 2017 (Annexure "A-12") 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 Dr. Y. Ganesh challenging impugned Office Order No. 2110 dated 28th August, 2017 issued by the Director of Education, Andaman & Nicobar Administration, Port Blair by which he has been transferred from Andaman College to M.S. Carbyns Cove and has been replaced by another set of diverted employees, impugned Office Order No. 85 dated 29.8.2017 by which he was relieved from the Andaman College, impugned Office Order dated 19.8.2017 & 1.9.2017 by means of which the A&N Administration have appointed three persons on diverted capacity as Librarian of Andaman College and also non-consideration of the representation submitted by him on September, 2017. This O.A. has been filed praying for the following reliefs:

"i) To quash and/or set aside the impugned Office Order No. 2110 dated 28th August, 2017 issued by the Director of Education which is



appearing at Annexure A-8 of this original application by which your applicant has been transferred from Andaman College to M.S. Carbyns Cove which is a School by which your applicant's dignity has been lowered down by the Andaman & Nicobar Administration and also your applicant has been replaced by another set of diverted employee vide office order dated 19.8.2017 which is not permissible under the law.

ii) To quash and/or set aside the impugned office order No. 85 dated 29th August, 2017 by which your applicant has been relieved from his duties to the post of Librarian Grade-II from Andaman College being Annexure A-9 of this O.A.;

iii) To quash and/or set aside the impugned Office Order dated 19th August, 2017 & 1.9.2017 by which your applicant has been replaced by another set of diverted capacity employees in Andaman College is not permissible.

iv) To pass an appropriate order directing upon the respondent authority to allow your applicant to perform the duties to the post of Librarian, Grade - II in a diverted capacity till the regular appointment is made in the said College to the post of Librarian, Grade-II."

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. 3075 dated 6.11.1992 to the post of Librarian Gr. II. He was posted in Andaman College. He joined there and thereafter he was relieved for joining duty in new establishment. He submitted his joining report. Subsequently on 2.9.2014 the respondent authorities issued an office order transferring him from Senior Secondary School, Rangat to Deputy Education Officer, South Andaman. On 28.8.2017 he has been transferred as Librarian Gr. II from Andaman College to M.S. Carbyns Cove, Port Blair. On 19.8.2017 the applicant has been replaced by another set of person with diverted capacity. He preferred a representation on September, 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. 4 to dispose of the representation of September, 2017 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 4 that, if any, such representation as claimed by the applicant has been preferred on September, 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. 4 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 September, 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 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. 4 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. Pattnaik)
Judicial Member