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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

Original Application No. 1357 of 2017

IN THE MATTER OF:

V. RAJA RAO,

aged about 46 years, son of Shri V. Venkat Rao, working to the post of Post Graduate Teacher (Physical Education) in the Andaman College and residing at Building No. 4, in front of Dena Bank near Garacharma PHC, Garacharma, Port Blair- 744105;

...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;

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 SECRETARY, Education

Department, Andaman & Nicobar

Administration, Secretariat Complex, Port

Blair-744101.

7. THE SECRETARY - CUM -

DIRECTORATE, Education Department,

Andaman & Nicobar Administration,

Secretariat Complex, Port Blair-744101

8. THE DEPUTY DIRECTOR OF

EDUCATION (ADMINISTRATION),

Andaman & Nicobar Administration,

Secretariat Complex, Port Blair-744101.

9. THE PRINCIPAL, Andaman College,

Chakragoan, Port Blair- 744101.

10. Dr. LAXMI, Assistant Professor (Hindi)

working on diverted capacity in Andaman

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College under the Director Of Education,
Andaman & Nicobar Administration,
Secretariat Complex, Port Blair-744101.

11. **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.
12. **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.

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No. O.A. 35/01357/2017

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

O R D E R (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 11.9.2017 (Annexure "A-16") 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. V. Raja Rao challenging impugned Office Order No. 2110 dated 28th August, 2017 by which your applicant has been relieved from Andaman College in the subject Physical Education as a Professor, Sr. Secondary School, RBV, Port Blair as teacher, impugned Office Order No. 81 dated 29.8.2017 by means of which he was relieved from duty from Andaman College, impugned order No. 2857 dated 14.8.2017 by way of diverted capacity the A&N Administration have appointed three persons on diverted capacity as Professor of Andaman College, impugned Office Order No. 87 dated 1.9.2017 by which the present applicant has been replaced by some other person as Guest Faculty to deliver lectures in various disciplines in Andaman College and also non-consideration of the representation submitted by him on 11.9.2017.

This O.A. has been filed praying for the following reliefs:

- "a) To quash and/or set aside the impugned Office Order No. 2110 dated 28th August, 2017 by which your applicant has been relieved from Andaman College in the subject of Physical Education as a Professor to Senior Secondary School, RBV, Port Blair as a teacher being Annexure A-12 of this original application.
- b) To quash and/or set aside the impugned office order No. 81 dated 29th August, 2017 by which your applicant has been relieved from duty from Andaman College to report duty in Senior Secondary School, RBV at Port Blair as a teacher being Annexure A-13 of this original application;
- c) To quash and/or set aside the impugned Office Order No. 2857 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 absolute against the law and order being Annexure A-14 of this original application.
- d) To quash and/or set aside the impugned Office Order No. 87 dated 1st September, 2017 by which by replacing your present applicant some persons have been engaged by authority concerned as Guest Faculty to deliver lectures in various discipline in Andaman College on contract basis being Annexure A-15 of this original application.
- e) To pass an appropriate order directing upon the respondent authority to allow your applicant for performing duty as a Professor in the Andaman College in terms of the Office Order No. 1966 dated 19th May, 2014 issued by the Andaman & Nicobar Administration till the regular incumbent joined against the said post in the concerned discipline being Annexure A-4 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 to the post of Post-Graduate Teacher in Physical Education on 1.10.2007. He was posted in Andaman College. On 28.8.2017 he was relieved from duty from Andaman College. He was transferred from Andaman College to Senior Secondary School, RBV, Port Blair. Thereafter on 29.8.2017 an impugned office order was issued directing him to function as a Teacher in Senior Secondary School, RBV, Port Blair. On 14.8.2017 the respondent authorities issued office order by which some of the Teacher/Assistant Professors have been appointed on diverted capacity in the Andaman College by replacing the him. On 1.9.2017 vide impugned Office Order No. 87 the applicant was replaced by

some other persons as Guest Faculty to deliver lectures in various disciplines in Andaman College. He preferred a representation on 11.9.2017, 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. 6 to dispose of the representation dated 11.9.2017 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 6 that, if any, such representation as claimed by the applicant has been preferred on 11.9.2017 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. 6 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 11.9.2017 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. 6 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the

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

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