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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

Original Application No. 1358 of 2017

IN THE MATTER OF:

**A. DAMUDAR RAO,**

aged about 42 years, son of Shri Parraiya Rao,  
working to the post of Post Graduate Teacher,  
(Commerce) in the Andaman College and  
residing at C/o. shri Harigobind Singh,  
Harigobind villa, Hudco Colony, Junglighat,  
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 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 NARENDRA, 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. 350/01358/2017

Date of order: 21.9.2017

Present: Hon'ble Mr. A.K. Patnaik, 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. Patnaik, 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 8.9.2017 (Annexure "A-29") 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. A. Damudar Rao challenging impugned Office Order No. 2112 dated 14<sup>th</sup> August, 2017 by which your applicant has been transferred from Andaman College to Sr. Secondary School, Tushnabad, impugned Office Order No. 73 dated 14.7.2017 by means the applicant was directed to report for duty to the Directorate of Education, impugned Officer Order No. 2858 dated 14.8.2017 by which the applicant was directed to report to the Directorate of Education with immediate effect, impugned Office 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

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various disciplines in Andaman College and also non-consideration of the representation submitted by him on 8.9.2017. This O.A. has been filed praying for the following reliefs:

- "a) To quash and/or set aside the impugned Office Order No. 2012 dated 14<sup>th</sup> August, 2017 by which your applicant has been transferred from Andaman College to Senior Secondary School, Tushnabad being Annexure A-22 of this original application.
- b) To quash and/or set aside the impugned office order No. 73 dated 14<sup>th</sup> July, 2017 by which your applicant was directed to report to the Directorate of Education with immediate effect being Annexure A-22(a) of this original application;
- c) To quash and/or set aside the impugned Office Order No. 2858 dated 14<sup>th</sup> August, 2017 by which your applicant was directed to report to the Directorate of Education with immediate effect being Annexure A-25 of this original application.
- d) To quash and/or set aside the impugned Office Order No. 2857 dated 14<sup>th</sup> August, 2017 and Office Order No. 76 dated 19<sup>th</sup> 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-26 and 27 and A-18 of this original application.
- e) To quash and/or set aside the impugned Officer Order No. 87 dated 1<sup>st</sup> 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 disciplines in Andaman College on contract basis being Annexure A-28 of this original application.
- f) 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. 1745. dated 2<sup>nd</sup> 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 Hindi on 2.5.2015. He was posted in Andaman College. On 14.8.2017 he was relieved from duty from Andaman College. He was transferred from Andaman College to report to the Directorate of Education. On 14.8.2017 the respondent authorities issued office order by which some of the Teacher/Assistant Professors have been appointed on diverted

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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 8.9.2017, 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 8.9.2017 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 8.9.2017 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 8.9.2017 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



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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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