



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CIRCUIT BENCH AT PORT BLAIR

O.A. NO. 351/ 1388 /2017

for Jerry D'Souza,
S/o Antony, *age about 59 years*
R/o Dugnabad,
Working as Carpenter,
MT Workshop,
Directorate of Transport,
Port Blair-744101.

.... Applicant

-Versus-

1. The Union of India,
Service through the Secretary,
Ministry of Shipping and Transport,
Department of Transport,
New Delhi-110001.

2. The Principal Secretary,
Transport,
Andaman & Nicobar Administration,
Port Blair-744101.

3. The Secretary -cum- Director of Transport,
Andaman & Nicobar Administration,
Port Blair-744101.

4. The Assistant Director (Admn),
Directorate of Transport,
Port Blair-744101.

.... Respondents

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No. O.A. 350/01388/2017

Date of order: 22.9.2017

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. P. 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. This OA has been filed by Mr. Jerry D'Souza challenging Office Order No. 2639 dated 12.9.2017 issued by the Assistant Director (Admn.), Directorate of Transport, Andaman & Nicobar Administration, Port Blair by which the respondent authorities have passed an order for withdrawing financial upgradation granted under ACP/MACP Scheme and further deducting / making adjustment of excess payment from his future salary.

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

"a) To set aside and quash the Office Order No. 2639, dated 12th September, 2017 issued by the Assistant Director (Admn.), Directorate of Transport, Andaman & Nicobar Administration, Port Blair.

b) To pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant joined as Daily Rated Mazdoor in the Department of Transport on 1.7.1986 and thereafter his appointment was extended from time to time. In the month of July, 1987 the respondent authorities have issued a notice to him for attending an interview for the post of Carpenter. He appeared in the interview. On October, 1987 he was appointed to the

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post of Cleaner on adhoc basis and subsequently he was appointed as Carpenter on adhoc basis and his appointment was extended from time to time. In the year 2003 the respondent authorities have issued an order by extending the benefits of financial upgradation of 1st ACP w.e.f. 13.4.2000 and again in the year 2011 the respondents have granted 2nd MACP on 1.9.2008. Now the respondents have issued another order modifying the order of 1st financial and 2nd financial upgradation, which is still pending consideration.

4. Mr. Das, Ld. Counsel for the applicant 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 Nos. 3 & 4 to dispose of the representation dated 14.9.2017 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent Nos. 3 & 4 that, if any, such representation as claimed by the applicant has been preferred on 14.9.2017 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.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent Nos. 3 & 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 14.9.2017 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.

7. With the aforesaid observation and direction, the O.A. is disposed



of.

8. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 3 & 4 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

9. It is directed that till the representation is considered and disposed of and the result thereof communicated to the applicant no recovery should be made from the salary of the applicant.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

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