



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A. No.350/0 1441 of 2017

~~A V BHARAT KUMAR~~, son of A
Srinivasulu, aged about 24 years,
residing at P-297/4, Srinagar Miniebay,
P.O. Junglighat, District : South
Andaman, Port Blair, Pin-744103 and
working to the post of Mate (Mason)
under the Commandar Works Engineer,
Military Engineering Services, Govt. of
India, Ministry of Defence, Minniebay,
P.O. Junglighat, Port Blair, Pin-744103.

... APPLICANT

V E R S U S

1. UNION OF INDIA, service through
the Secretary, Ministry of Defence,
Department of Army, Navy & Airforce,
North Block, New Delhi-110001.

2. THE CHIEF ENGINEER
(SOUTHERN COMMAND), Military
Engineering Services, Headquarters,
Pune, Pin-411001.

3. **THE CHIEF ENGINEER**, Andaman
& Nicobar Zone, Brichgunj, P.O.
Junglighat, Port Blair, Pin-744103.

4. **GARRISON ENGINEER**, Minniebay,
District : South Andaman, Port Blair,
Pin-744103.

5. **COMMANDAR WORKS ENGINEER**,
Military Engineer Services, Minniebay,
P.O. Junglighat, District : South
Andaman, Port Blair, Pin-744103.

6. **AO (MES)**, GE Minniebay, Port
Blair, Pin-744103.

... RESPONDENTS

6/10

No. O.A. 351/01441/2017

Date of order: 27.10.2017

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 : None

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. P.C. Das leading Ms. T. Maity, Ld. Counsel for the applicant.

2. This OA has been filed by Shri A.V. Bharat Kumar challenging Office Letter No. 10025/LRS/Mason/463/E-1B dated 12th October, 2017 issued by the Commander Works Manager by which they have issued such letter that why the appointment of the applicant will not be cancelled and also non-consideration of his letter dated 13.10.2017 in pursuance to the Notice dated 12.10.2017. This O.A. has been filed praying for the following reliefs:

- "(a) To quash and/or set aside the impugned Office Letter No. 10025/LRS/Mason/463/E-1B dated 12th October, 2017 issued by the Commander Works Engineer on the ground which is not at all sustainable in the eyes of law as because your applicant did not suppress any material fact at the time of submitting her application and your applicant not only fulfilled the minimum educational qualification she has fulfilled the higher qualification therefore her appointment has been made in accordance with the law which cannot be questionable under any circumstances.
- (b) To set aside and quash the action of the official respondents in terms of the impugned Notice dated 12th October, 2017 which is otherwise bad in law and illegal.
- (c) To declare that appointment which your applicant has got to the post of Mate (Mason) is in accordance with the law and in accordance with the advertisement published by the respondent authority and in terms of the Recruitment Qualification prescribed in the advertisement and being a higher qualified candidate.
- (d) Costs;
- (e) Any other appropriate relief or reliefs as your Lordships may deem fit and proper."

4. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant

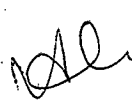
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are that the applicant in pursuance to the notification issued by the Military Engineering Services for appointment to the post of Mate (Mason) published on 21.11.2015 applied for the said post and he after being successful in the written test was appointed vide order dated 24th August, 2017 to the post of Mate (Mason). After he joined his duties on 11th September, 2017 on 12.10.2017 a show cause notice was issued in regard to cancellation of his appointment on account of suppression of material facts. He preferred a representation on 14.10.2017, which is 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 14.10.2017 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 14.10.2017 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 applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 5 within a further period of 4 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 14.10.2017 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. 5 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

10. Though we have not entered into the merits of the matter still then while the representation is considered and disposed of the respondents may not take any coercive action against the applicant and status quo as on date in so far as the applicants continuance in the present place of posting be maintained and all points are kept open for consideration of respondent No. 5 to consider the same as per rules and regulations governing the field.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP