

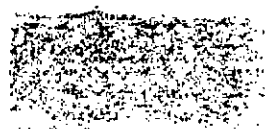
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
AT CALCUTTA

Original Application No. 351/O | 673 (A&N) of 2017

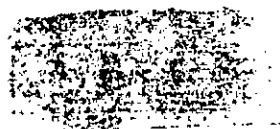
IN THE MATTER OF:

1. Bijli Kaamgaar Union,  
(Affiliated to Centre for India Trade Union),  
through the President,  
Crusade House, Phoenix Bay,  
Port Blair-744102, A&N Islands  
← (a) B. Chhannad road K/o Determi Pw.  
Port & Blair - Andm 101
2. Shri. Sujit Kr. Roy,  
S/o Hari Pada Roy,  
R/o Nabagram, Diglipur,  
North Andaman District
3. Shri. Amar Chandra Mondal,  
S/o Late Haribar Mondal,  
R/o Nabagram, Diglipur,  
North Andaman District
4. Shri. Sarajit Kr. Biswas,  
S/o Kalayan Biswas,  
R/o Nabagram, Diglipur,  
North Andaman District
5. Shri. Swapan Paul,  
S/o Mahadab Paul,  
R/o Khudirampur, Diglipur,  
North Andaman District
6. Shri. Biswajeet Das,  
S/o Shri. Bhubaneswar Das,  
R/o R.K.Gram, Diglipur,  
North Andaman District



*[Handwritten signature]*

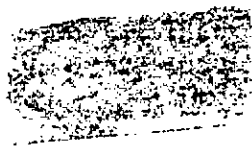
7. Shri. Tapan Kr. Das,  
S/o Motilal Das,  
R/o Nabagram, Diglipur,  
North Andaman District
8. Shri. Suresh Mondal,  
S/o Robin Mondal,  
R/o Nabagram, Diglipur,  
North Andaman District
9. Shri. Ratan Mazumder,  
S/o Kiran Mazumder,  
R/o Nabagram, Diglipur,  
North Andaman District
10. Shri. Sanjay Mondal,  
S/o Gourango Mondal,  
R/o Nabagram, Diglipur,  
North Andaman District
11. Smti. Rukmani Kachap,  
W/o Bajinath Kachap,  
R/o Nabagram, Diglipur,  
North Andaman District
12. Shri. Anuj Kr. Roy,  
S/o Ajit Kr. Roy,  
R/o Nabagram, Diglipur,  
North Andaman District
13. Shri. Goutam Biswas,  
S/o Sachindra Biswas,  
R/o Nabagram, Diglipur,  
North Andaman District
14. Shri. Kishor Biswas,  
S/o Karun Biswas,  
R/o Nabagram, Diglipur,  
North Andaman District



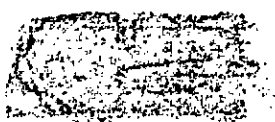
15. Shri. Monseed Toppo,  
S/o Prakash Toppo,  
R/o Nabagram, Diglipur,  
North Andaman District
16. Shri. Sushanta Mondal,  
S/o Ananto Mondal,  
R/o Nabagram, Diglipur,  
North Andaman District
17. Shri. Srikanta Majhi,  
S/o Nepal Majhi,  
R/o Nabagram, Diglipur,  
North Andaman District
18. Shri. Sachin Dewri,  
S/o Sadananda Dewri,  
R/o Nabagram, Diglipur,  
North Andaman District
19. Shri. Sujit Roy,  
S/o Jagdish Roy,  
R/o Nabagram, Diglipur,  
North Andaman District
20. Miss. Shipra Sikdar,  
D/o Sadhan Sikdar,  
R/o Sitanagar, Diglipur,  
North Andaman District
21. Shri. Tushar Kanti Biswas,  
S/o Hare Krishna Biswas,  
R/o Sitanagar, Diglipur,  
North Andaman District
22. Shri. Balaram Samaddar,  
S/o Bimal Samaddar,  
R/o Sitanagar, Diglipur,  
North Andaman District



23. Shri. Ishan Ch. Das,  
S/o Aicharam Das,  
R/o Subashgram, Diglipur,  
North Andaman District
24. Shri. Dayal Hari Das,  
S/o Subal Ch. Das,  
R/o Khudirampur, Diglipur,  
North Andaman District
25. Shri. Dinesh Ch. Dey,  
S/o Maran Ch. Dey,  
R/o Khudirampur, Diglipur,  
North Andaman District
26. Shri. Pintu Kerani,  
S/o Khokan Kerani,  
R/o Madhupur, Diglipur,  
North Andaman District
27. Shri. Proshanta Adhikari,  
S/o Khokan Adhikari,  
R/o Sitanagar, Diglipur,  
North Andaman District
28. Shri. Janardhan Chowdhary,  
S/o Haradhan Chowdhary,  
R/o Sitanagar, Diglipur,  
North Andaman District
29. Shri. Biswajit Biswas,  
S/o Hare Krishna Biswas,  
R/o Sitanagar, Diglipur,  
North Andaman District
30. Shri. S.Hemanta Rao,  
S/o S.Raja Rao,  
R/o Sitanagar, Diglipur,  
North Andaman District



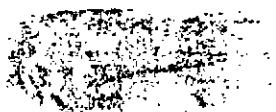
31. Shri. Dipal Dewri,  
S/o Ananta Dewri,  
R/o Nabagram, Diglipur,  
North Andaman District
32. Shri. Sujit Barai,  
S/o Sunil Barai,  
R/o Sitanagar, Diglipur,  
North Andaman District
33. Shri. Saurabh Adhikari,  
S/o Shyam Adhikari,  
R/o Sitanagar, Diglipur,  
North Andaman District
34. Shri. Roshan Kiro,  
S/o Pitrus Kiro,  
R/o Laxmipur, Diglipur,  
North Andaman District
35. Shri. Dinesh Halder,  
S/o Anil Halder,  
R/o Laxmipur, Diglipur,  
North Andaman District
36. Shri. Ajay Dung Dung,  
S/o Robert Dung Dung,  
R/o Laxmipur, Diglipur,  
North Andaman District
37. Shri. Sushanta Das,  
S/o Sukaranjan Das,  
R/o Ramnagar, Diglipur,  
North Andaman District
38. Shri. Rajesh Kumar,  
S/o S.Gopinathan,  
R/o Keralapuram, Diglipur,  
North Andaman District



39. Shri. Gosnar Kerketta,  
S/o Bisram Kerketta,  
R/o Keralapuram, Diglipur,  
North Andaman District
40. Shri. Joseph Minj,  
S/o Bisram Minj,  
R/o Keralapuram, Diglipur,  
North Andaman District
41. Shri. Biraj Kumar Beck,  
S/o Late Benedic Beck,  
R/o V.S.Pally, Diglipur,  
North Andaman District
42. Shri. Banamali Das,  
S/o Late Khagendra Ch. Das,  
R/o V.S.Pally, Diglipur,  
North Andaman District
43. Shri. Dinesh Kumar Das,  
S/o Sobha Rani Das,  
R/o Shibpur, Diglipur,  
North Andaman District
44. Shri. Rimjus Tirkey,  
S/o Stanish Tirkey,  
R/o Keralapuram, Diglipur,  
North Andaman District
45. Shri. A.Balan,  
S/o K.Ayyappan,  
R/o Keralapuram, Diglipur,  
North Andaman District
46. Shri. Arjun Tigga,  
S/o Sukku Tigga,  
R/o Naveennagar, Diglipur,  
North Andaman District



47. Shri. G.Kartick Raja,  
S/o M.Gunasekaran,  
R/o Naveennagar, Diglipur,  
North Andaman District
48. Shri. Vinod Topno,  
S/o Late Helan Topno,  
R/o Naveennagar, Diglipur,  
North Andaman District
49. Shri. Ashish Ch. Das,  
S/o Parimal Ch. Das,  
R/o R.K.Gram, Diglipur,  
North Andaman District
50. Shri. Arjun Das,  
S/o Karuna Kanta Das,  
R/o Khudirampur, Diglipur,  
North Andaman District
51. Shri. Juttan Das,  
S/o Motilal Das,  
R/o Subashgram, Diglipur,  
North Andaman District
52. Shri. Ashok Mondal,  
S/o Biren Mondal,  
R/o Madhupur, Diglipur,  
North Andaman District
53. Shri. K.Krishna Rao,  
S/o Late K.Rama Rao,  
R/o Naveennagar, Diglipur,  
North Andaman District
54. Shri. Manoj Tirkey,  
S/o Late Bandana Tirkey,  
R/o Naveennagar, Diglipur,  
North Andaman District

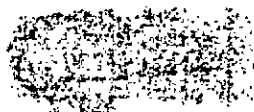


55. Shri. Eligious Kullu,  
S/o Robert Kullu,  
R/o Subashgram, Diglipur,  
North Andaman District
56. Shri. Nilandu Das,  
S/o Nonigopal Das,  
R/o D.B.Gram, Diglipur,  
North Andaman District
57. Shri. Rajib Kr. Hawalader,  
S/o Hari Chand Hawalader,  
R/o D.B.Gram, Diglipur,  
North Andaman District
58. Shri. Bijoy Bepari,  
S/o Premananda Bepari,  
R/o Nabagram, Diglipur,  
North Andaman District
59. Shri. Kamal Kanto Sarkar,  
S/o Ramjiban Sarkar,  
R/o Nischintapur, Diglipur,  
North Andaman District
60. Shri. Kinkar Mazumder,  
S/o Krishna Mazumder,  
R/o Nabagram, Diglipur,  
North Andaman District
61. Shri. Suvam Sikder,  
S/o Sadhan Sikder,  
R/o Sitanagar, Diglipur,  
North Andaman District
62. Shri. Nagen Mistry,  
S/o Naren Mistry,  
R/o Ramanagar, Diglipur,  
North Andaman District

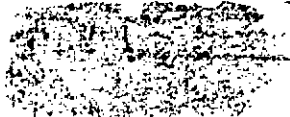




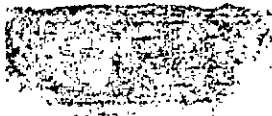
63. Shri. Madan Sarkar,  
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64. Shri. Prakash Halder,  
S/o Nitai Halder,  
R/o Nabagram, Diglipur,  
North Andaman District
65. Shri. Bijoy Biswas,  
S/o Santosh Biswas,  
R/o Nabagram, Diglipur,  
North Andaman District
66. Shri. Madhusudhan Sarkar,  
S/o Late Manindra Sarkar,  
R/o Nischintapur, Diglipur,  
North Andaman District
67. Shri. Kiran Mistry,  
S/o Sarat Chand Mistry,  
R/o Nischintapur, Diglipur,  
North Andaman District
68. Shri. Sajal Mistry,  
S/o Nirmal Chandra Mistry,  
R/o Nischintapur, Diglipur,  
North Andaman District
69. Shri. Arun Das,  
S/o Manindra Das,  
R/o Nabagram, Diglipur,  
North Andaman District
70. Shri. P.Kamaiah,  
S/o Late P.Appaiah,  
R/o Nabin Nagar, Diglipur,  
North Andaman District



71. Shri. Samar Roy,  
S/o Chitto Ranjan Roy,  
R/o Subashgram, Diglipur,  
North Andaman District
72. Shri. Parimal Sarkar,  
S/o Late Kalipada Sarkar,  
R/o Madhupur, Diglipur,  
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73. Shri. Ajoy Das,  
S/o Bhuban Das,  
R/o Khudirampur, Diglipur,  
North Andaman District
74. Shri. Naresh Roy,  
S/o Narayan Roy,  
R/o Swarajgram, Diglipur,  
North Andaman District
75. Shri. Adhir Kumar Howlader,  
S/o Ananda Kumar Howlader,  
R/o Madhupur, Diglipur,  
North Andaman District
76. Shri. Kusal Mondal,  
S/o Sankar Mondal,  
R/o Subashgram, Diglipur,  
North Andaman District
77. Miss. Binita Biswas,  
D/o Bankim Biswas,  
R/o R.K.Gram, Diglipur,  
North Andaman District
78. Shri. Sobir Kumar Mistry,  
S/o Sukdev Mistry,  
R/o Shibpur, Diglipur,  
North Andaman District



79. Shri. Jagdish Ram,  
S/o Runia Ram,  
R/o Nabagram, Diglipur,  
North Andaman District
80. Shri. Nilkanta Sikder,  
S/o Narayan Sikder,  
R/o Nabagram, Diglipur,  
North Andaman District
81. Shri. Bidur Chandra Mazumder,  
S/o Bibhisan Mazumder,  
R/o Nabagram, Diglipur,  
North Andaman District
82. Shri. Gokul Sarkar,  
S/o Late Bisheswar Sarkar,  
R/o Milangram, Diglipur,  
North Andaman District
83. Shri. Ramesh Mistry,  
S/o Late Manohar Mistry,  
R/o Milangram, Diglipur,  
North Andaman District
84. Shri. Ashutosh Das,  
S/o Nilchand Das,  
R/o Milangram, Diglipur,  
North Andaman District
85. Shri. Sujan Bairagi,  
S/o Ram Bairagi,  
R/o Laxmipur, Diglipur,  
North Andaman District
86. Shri. Krishna Chandra Das,  
S/o Aicharam Das,  
R/o Madhupur, Diglipur,  
North Andaman District



87. Shri. Nani Gopal Das,  
S/o Swapan Das,  
R/o Laxmipur, Diglipur,  
North Andaman District
88. Shri. Nitesh Halder,  
S/o Nital Halder,  
R/o Khudirampur, Diglipur,  
North Andaman District
89. Shri. Sevuga Murthy,  
S/o Late V.S.Selvam,  
R/o Subashgram, Diglipur,  
North Andaman District
90. Shri. Kiran Mondal,  
S/o Haradhan Mondal,  
R/o Subashgram, Diglipur,  
North Andaman District
91. Shri. Shankar Biswas,  
S/o Robin Biswas,  
R/o Shibpur, Diglipur,  
North Andaman District
92. Shri. Pritam Das,  
S/o Jagadish Das,  
R/o Shibpur, Diglipur,  
North Andaman District
93. Shri. Nandan Kumar Roy,  
S/o Narayan Roy,  
R/o Shibpur, Diglipur,  
North Andaman District
94. Shri. Suresh Halder,  
S/o Late Paresh Halder,  
R/o Nabagram, Diglipur,  
North Andaman District



95. Shri. Jiban Biswas,  
S/o Late Jiton Biswas,  
R/o Nabagram, Diglipur,  
North Andaman District
96. Shri. Prahlad Bairagi,  
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R/o Nabagram, Diglipur,  
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97. Shri. Bipul Mistry,  
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98. Shri. Nirmal Sikder,  
S/o Late Brojenda Sikder,  
R/o Madupur, Diglipur,  
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99. Shri. Tanay Mandal,  
S/o Late Subal Chandra Mandal,  
R/o Madhupur, Diglipur,  
North Andaman District
100. Shri. Shankar Mondal,  
S/o Late Sishubar Mondal,  
R/o Paranghara, Diglipur,  
North Andaman District
101. Shri. Nirmal Sadak,  
S/o Late Purma Sadak,  
R/o Nischintapur, Diglipur,  
North Andaman District
102. Shri. Nil Ratan Adhikary,  
S/o Late Nittyaa Gopal Adhikary,  
R/o Kalighat, Diglipur,  
North Andaman District



103. Shri. Khagen Mistry,  
S/o Naren Mistry,  
R/o Ramnagar, Diglipur,  
North Andaman District
104. Shri. Sushanta Roy,  
S/o Laxmi Roy,  
R/o Kalighat, Diglipur,  
North Andaman District
105. Shri. Biswanath Dey,  
S/o Naren Ch. Dey,  
R/o Nischintapur, Diglipur,  
North Andaman District
106. Shri. Abhinash,  
S/o Muruganswamy,  
R/o Aerial Bay, Diglipur,  
North Andaman District
107. Shri. Bijay Dung Dung,  
S/o Robert Dung Dung,  
R/o Laxmipur, Diglipur,  
North Andaman District
108. Shri. Manoj Sarkar,  
S/o Madhusudan Sarkar,  
R/o Nischintapur, Diglipur,  
North Andaman District
109. Shri. Amrito Biswas,  
S/o Adhir Biswas,  
R/o Nabagram, Diglipur,  
North Andaman District
110. Shri. Sadananda Dutta,  
S/o Gouranga Dutta,  
R/o Nabagram, Diglipur,  
North Andaman District



111. Shri Santosh Barla,  
S/o Rajius Barla,  
R/o Hathi Level, Diglipur,  
North Andaman District

112. Shri Nabart Xaxa,  
S/o Barnabas Xaxa,  
R/o Diglipur,  
North Andaman District.

..... Applicants.

- Versus -

1. The Union of India,  
Through Secretary to the  
Ministry of Home Affairs, Govt. of India,  
New Delhi – 110 001.
2. The Lieutenant Governor,  
Andaman and Nicobar Islands,  
Raj Niwas, Port Blair – 7441010.
3. The Chief Secretary,  
A & N Administration,  
Port Blair – 744 101.
4. The Commissioner-cum-Secretary (Power),  
Secretariat, A&N Administration,  
Port Blair, A&N Islands – 744 101
5. The Deputy Secretary (Power),  
Secretariat, A&N Administration,  
Port Blair, A&N Islands – 744 101.
6. The superintending Engineer,  
Department of Electricity,  
Vidyut Bhawan, Phoenix Bay,  
Port Blair, A&N Islands – 744 202.
7. The Executive Engineer,  
Department of Electricity,  
North Andaman Division, Diglipur – 744 202,  
North Andaman District, A&N Islands.
8. The Assistant Engineer,  
Department of Electricity,  
Diglipur, North Andaman District, A&N Islands.

..... Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. NO. 351/1673/AN/2017  
M.A. NO. 351/929/AN/2017

Dated : 25.01.2018

Coram : Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the applicant : Mr. R. George, Counsel

For the respondents : Mr. S.K. Ghosh, Counsel

ORDER (Oral)

Manjula Das, Judicial Member

The applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- "8.(a) An order be pleased to/do issue directing the respondents authorities to reinstate the applicants in the post of Daily Rated Mazdoor and further directing the respondents, more particularly to the respondent No. 6, 7 & 8 to allow the applicants to resume their labour/ employment under the respondent concerned;
- (b) An order be pleased to/ do issue directing the respondents No. 6, 7 & 8 to strictly follow the instructions and directions as contained in the circular dated 12.11.2014 issued by the Andaman & Nicobar Administration and the office memorandum No. 289, dated 22.09.2017 by the respondent No. 5;
- (c) An order be pleased to/ do issue directing the respondents No. 6, 7 & 8 to comply/ implement the decision of the Conciliation Officer in respect of the reinstatement of the applicants as agreed by the Executive Engineer (respondent No. 7) in the conciliation meeting dated 26<sup>th</sup> October, 2017;
- (d) An order do issue directing the respondent to certify and transmit the records pertaining to the case so that conscionable justice could be rendered;
- (e) Such other order or further orders, direction or directions as Your Lordships may deem fit and proper;





(f) Cost and incidentals thereto."

2. The applicants have also filed an M.A.No. 351/929/AN/2017 seeking permission to move the O.A. jointly under Section 4(5)(a) of CAT (Procedure) Rules, 1987 on the ground that they have common cause of action and common interest in the matter.
3. We have heard Mr. R. George, Ld. Counsel for the applicants and Mr. S.K. Ghosh, Ld. counsel for the respondents.
4. After hearing the Ld. Counsel for both sides and on a perusal of the materials and pleadings placed before us, we find that the applicants have common cause of action and common interest in the matter. Therefore, the applicants are permitted to move this O.A. jointly. Accordingly, the M.A. No. 351/929/AN/2017 stands allowed.
5. Brief facts of this case as narrated by the applicants in the O.A. are that the applicants were performing and discharging their duties as daily rated Mazdoors under the respondents concerned and they were continuously engaged under the direct control and supervision of the respondent authorities and they were paid salary for their job. The grievances of the applicants are that the respondent authorities without any prior notice or intimation disengaged/discontinued the applicants from their employment. According to the applicants, the respondents have requirement of man power as it appears from various communication and approval letter issued by them. But despite of such requirement of man power, the respondents authorities arbitrarily disengaged/discontinued the applicants from their employment only with the purpose of substituting them by another set of daily rated Mazdoors. The respondent authorities also agreed in the



conciliation meeting that they would reinstate the applicants who crossed 240 days but they did not do so. Being aggrieved by such inaction on the part of the respondents, the applicants have filed this O.A. seeking the aforesaid reliefs.

6. Id. Counsel for the applicants Mr. R. George submitted that at present the applicants are out of employment and struggling hard to meet the ends of life. The Id. counsel further submitted that the applicants would be satisfied if they are permitted to file comprehensive representations highlighting their grievances therein to the competent authority and the said authority is directed to consider and dispose of the same as per rules and pass a reasoned and speaking order within a specific time frame.

7. Considering the submissions made by Id. counsel for both sides, we are of the view that it will not be prejudicial to either of the parties if the applicants are allowed to file comprehensive representations to the concerned respondent authority ventilating their grievances and the said authority is directed to dispose of the same within a specific time frame.

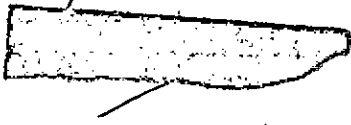
8. Accordingly, the applicants are permitted to file comprehensive representations to the authority concerned highlighting their grievances therein within a period of 15 days from the date of receipt of this order. The competent respondent authority is directed to consider and dispose of the representations of the applicant, if so filed, by passing a reasoned and speaking order within a period of one week from the date of receipt of the representations. The decision so arrived at shall be communicated to the applicants forthwith.

9. It is made clear that till disposal of the representations of the applicants no replacement shall be made in place of applicants.

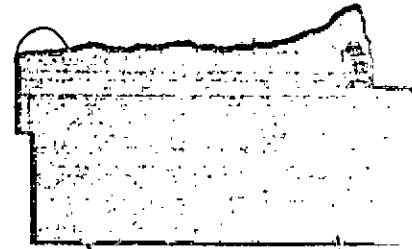


10. With the above observation and direction, the present O.A. is disposed of.

No costs.



(Dr. Nandita Chatterjee)  
Member (A)



(Manjula Das)  
Member (J)

drh