

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
(CIRCUIT AT PORT BLAIR)**

No. O.A. 351/00148/2011
No. O.A. 351/00164/2011
No. O.A. 351/00165/2011

Date of order: 15.02.2018

Present: Hon'ble Mr. V. Ajay Kumar, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

O.A. No. 148/AN/2011

S.P Sarkar,
S/o Late Shri K.N Sarkar,
R/o Naya Gaon,
Doodh Line,
Presently working as Assistant Engineer,
Port Blair South Division (PBSD),
Andaman Public Works Department (APWD),
Port Blair.

O.A. No. 164/AN/2011

M. Thiruchangu,
S/o Late Shri Rm. Muthu,
R/o Link Road,
Port Blair,
Present working as Assistant Engineer,
Port Blair South Division (PBSD),
Andaman Public Works Department (APWD),
Port Blair.

O.A. No. 165/AN/2011

Babu Yohannan,
S/o Shri P.G. Yohannan,
R/o Prem Nagar,
Port Blair,
Presently working as Assistant Engineer,
Construction Division No. 1,
Andaman Public Works Department (APWD),
Port Blair.

.. Applicant

-Versus-

1. The Union of India,
Service through the Secretary,
Ministry of Urban Development
Jaisalmer House,
26, Man Singh Road
New Delhi – 110011.

V. J. Jaiswal

2. The Lt. Governor,
A & N Islands,
Raj Niwas,
Port Blair.
3. The Chief Secretary,
A & N Administration,
Secretariat Building
Port Blair.
4. The Chief Engineer/ Commissioner-cum-Secretary,
(APWD) ex-officio,
Andaman Public Works Department,
Nirman Bhawan, Port Blair
5. The Deputy Secretary (PWD),
Andaman & Nicobar Administration,
Secretariat Building,
Port Blair.

--- Respondents

For the Applicant : Mr. R. Singh, Counsel

For the Respondents : Md. Tabraiz, Counsel

ORDER (Oral)

Per Mr. V. Ajay Kumar, Judicial Member:

Heard Ld. Counsel for both sides.

2. The applicants in all these above three O.A.s have filed these O.A.s seeking counting of their services rendered on adhoc basis, before regularization of their services, for the purpose of ACP and pensionary benefits.

3. Ld. Counsel for the applicant requested for amending the O.A., which cannot be acceded to at this stage.

4. While the matter was being heard, it was noticed that there was difference of opinion between two different Benches of this Tribunal and, therefore, finally the matter was referred to a Five Judges' Bench and the Five Judges' Bench on 8.9.2014 answered the reference of the issue i.e. whether the adhoc / temporary

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service can be counted for the purpose of ACP/MACP benefits, in negative. The said Larger Bench's view has been upheld by the Hon'ble High Court and also by the Hon'ble Apex Court.

5. Since, the only issue in the O.A. is counting of adhoc service for the purpose of ACP/MACP and since the Five Judges' Larger Bench held that the said service cannot be counted for the purpose of ACP/MACP benefits, nothing survives in the O.A. and, accordingly, the same is dismissed.

(Nandita Chatterjee)
Administrative Member

SP

(V. Ajay Kumar)
Judicial Member

