

LIBRARY

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
AT CALCUTTA

O.A. No. 180 /A&N/ 2017

IN THE MATTER OF

An application under Section 19 of the Administrative  
Tribunal Act, 1985.

And

In the matter of :

Shri Bani Brata Dass,  
S/o Shri. Motilal Dass,  
Working for gain as  
Library Information Assistant,  
Mahatma Gandhi Government College,  
Mayabunder, R/o Mayabunder, North Andaman  
Pin - 744204

.....Applicant

-VERSUS -

- 1) The Union of India,  
Service through the Secretary  
Govt. of India,  
Ministry of Human Resource Development,  
New Delhi - 110001
- 2) The Lt. Governor,  
Andaman & Nicobar Islands,  
Port Blair - 744101

*[Handwritten signature]*

*[Handwritten initials]*

- 3) The Chief Secretary,  
Andaman and Nicobar Administration,  
Port Blair - 744101
- 4) The Principal Secretary (Higher Education)  
Andaman and Nicobar Administration,  
Port Blair - 744101
- 5) The Principal,  
Mahatma Gandhi Govt. College,  
Mayabunder - 744204

..... Respondents

*all*

O.A. NO. 351/00180/2017

Date of order: 15.2.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

For the Respondents : None

**ORDER (Oral)**

**Per A.K. Patnaik, Judicial Member:**

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

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging non-consideration of order passed by this Tribunal's order dated 08.06.2015 in O.A. No. 351/00088/2015, non-consideration of representation submitted by the petitioner on 19.9.2014 by the respondent authorities at par with the counter part in Jawaharlal Nehru Rajkeeya Mahavidyalaya, Port Blair, non-consideration of judgment passed in O.A. No. 109/AN/2004 dated 13.9.2005 by the respondent authorities and non-consideration of judgment passed by Hon'ble Division Bench in WPCT No. 88 of 2001 (Shri Ashit Kumar Banerjee v. Union of India & ors.) with the following reliefs:-

"(a) An order do issue commanding the respondent authorities to fix the pay scale of Rs. 8000-275-13500/- w.e.f. 8.9.1997.

(b) A direction upon the respondent authorities directing them to give the scale of pay to your applicant equivalent to the Librarian of the colleges of Pondicherry University.

(c) A direction be passed upon the respondent authorities directing them to implement the recommendation of 5<sup>th</sup> Pay Commission as well as the recommendation of University Grant Commission and Ministry of Human Resource Development, New Delhi in the case of Librarians of Colleges.

(d) A direction upon the respondent authorities particularly the

*all*

respondent No. 2, 3 and 4 to give all consequential benefits to your applicant and fix and re-fix in time to time, in the revised scale of pay w.e.f. 08.09.1997 in accordance with the recommendation dated 17.6.1987 and 22.7.1988 of the UGC/MHRD the post of Librarian.

(e) A direction upon the respondent authorities particularly the respondent No. 2, 3 and 4 implement the pay scale of Librarian w.e.f. 28.8.1997 with all consequential benefits as per the recommendation of 5<sup>th</sup> Pay Commission, University Grant Commission and Ministry of Human Resource Development recommendations and as per the Govt. of India, MHRD letter No. 1-22/97.U.I. dated 27.7.1988.

(f) And to pass such other order/further order/claimed be made as this Hon'ble Tribunal may deem fit and proper."

2. Ld. Counsel for the applicant submitted that the applicant was initially appointed as Library Information Assistant at Mahatma Gandhi Govt. College, Mayabunder on 28.8.1997. Thereafter he was confirmed on 18.2.2000. As per recommendation of the Pay Commission he was granted pay scale of Librarian. One Shri Mohammed Ismail who was appointed as Librarian was confirmed in the post of Librarian on 11.3.2002. Thereafter the applicant filed WPCT. 88 of 2001 before the Hon'ble High Court of Calcutta which was disposed of vide order dated 20.9.2001.

3. The applicant preferred a representation before the Principal Secretary (Higher Education) on 19.9.2014 and the Principal Secretary (Higher Education) recommended his case on 29.1.2015 and till date he has not received any response.

4. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent Nos. 3, 4 and 5 that if any such representation has been preferred on 19.9.2014 and duly recommended by the respondent No. 5 vide his letter dated 29.1.2015 and then the same may be considered and disposed of by way of a well reasoned order within a period of two months and if after such consideration the applicant's grievance is found to be genuine then

expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

5. A copy of this order along with paper book be transmitted to the respondent No. 3, 4 and 5 by speed post for which Mr. P.C. Das undertakes to deposit necessary cost within a period of 7 days.

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

No costs.

(Jaya Das Gupta)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

SP