

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)

No. OA 351/216/2018

Date of order : 25.6.2018

Present: Hon'ble Mr.S.K.Pattnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

BINAY HAWLADER
S/o Shri Biren Hawlader,
R/o Subash Bazar,
North & Middle Andaman,
Aged about 36 years,
Presently working as
Bus Conductor on daily rated basis,
STS Unit Diglipur,
Under Directorate of Transport,
A&N Admn., Port Blair.

...APPLICANT

VERSUS

1. Union of India,
Ministry of Road Transport & Highways,
Service through the Secretary
Parivahan Bhavan,
New Delhi - 100001.
2. The Lt. Governor,
Raj Niwas,
A&N Islands,
Port Blair - 744101.
3. The Chief Secretary,
A&N Administration,
Port Blair - 744101.
4. The Secretary-cum-Director,
Directorate of Transport,
A&N Administration,
Port Blair - 744101.
5. The Deputy Director,
Directorate of Transport,
A&N Administration,
Port Blair - 744101.

...RESPONDENTS.

For the applicant : Mr.R.Kumar, counsel

For the respondents: None

h.s.

O R D E R (ORAL)Per Dr. Nandita Chatterjee, Administrative Member

Ld. counsel for the applicant is present. None appeared for the respondents.

2. Ld. counsel for the applicant submits that the instant application has been filed seeking the following relief :

- a) An order do issue directing the respondent No. 4 & 5 to consider the case of the applicants in view of the order passed by Hon'ble High Court circuit Bench at Port Blair in WPCT No. 660/2012 whereby the Hon'ble High Court, Circuit Bench at Port Blair laid down the principles for regularization of DRM working under the Directorate of Transport, within a period of two months from the date of order of this Hon'ble Court.
- b) An order do issue directing the respondent authorities to regularize the service of the applicant as per procedures adopted by respondent authorities for regularizing the services of other incumbents of bus conductor from the list of Daily Rated bus conductors against available vacancies time to time under the same Department vide Office order No. 288 dated 9.2.2007 9Annexure A/14), No. 1685 dated 1.6.2007 (Annexure A/16), Office order No. 291 dated 4.2.2008 (Annexure A/18), Office order No. 2339 dated 16.9.2009 (Annexure A/19) and Office order No. 3616 dated 27.11.2014 (Annexure A/20) respectively.
- c) An order do issue directing the respondent authorities to constitute Departmental Selection Committee for regularizing the service of the applicants against the existing 54 vacancies of Bus conductors from the merit list of the Daily Rated Bus conductors in which the applicants are appointed after qualifying the selection recruitment test conducted by the Department.
- d) An order do issue commanding upon the respondent authorities particularly the respondents herein to certify and transmit all the records containing each and every documents pertaining to the above mentioned case before this Hon'ble Tribunal so as to adjudicate and to render conscionable justice to the applicant;
- e) Any further order or orders, direction or directions may be passed which may deem fit and proper by this Hon'ble Tribunal in this case in the interest of justice.

3. The applicant who is a Daily Rated Bus Conductor under the respondents has filed this Original Application mainly seeking regularization of his services at par with certain other incumbents whose service has been reportedly been regularized by the respondent authorities.

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4. Ld. counsel for the applicant further draws attention to an order dated 15.2.2018 of this Tribunal in OA 351/545/2017 and prays for appropriate orders in this Original Application on account of similarities in cause of action.

5. In these circumstances, the OA is disposed of without going into the merits of the case, by permitting the applicant to file a fresh representation ventilating his grievances to the respondents within 2 weeks from the date of receipt of a copy of this order, and, upon receipt of such representation from the applicant, the respondents shall consider the same and pass a reasoned and speaking order thereon in accordance with law within a period of six weeks thereafter.

Pending decision of such representation, one vacancy for the post of Bus Conductor as notified by the respondents for regular recruitment, shall not be filled up.

6. With this, the OA is disposed of. There will be no order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(S.K. PATNAIK)
JUDICIAL MEMBER

I.Nath