

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

M.A.351/00275/2017 in OA.No.78/AN/2011

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OA.No.78/AN/2011

Date of Order :04.04.2017.

**Present :**    **Hon'ble Mr. A.K.Patnaik, Judicial Member**  
                  **Hon'ble Mrs.Minnie Mathew, Administrative Member**

**Between:**

K.Raj Kumar, aged about 52 yrs,  
s/o late V.Karuppaswamy, residing at  
M-B-88, M.A.Road, Phoenix Bay,  
Port Blair at present working as  
Assistant Engineer, Andaman,  
Public Works Department posted  
At Kamorta.

... Applicant

- VERSUS -

1. Union of India service through the Secretary,  
M/o Home Affairs, Jaisalmer House, 26,  
Man Singh Road, New Delhi-110 011.

2. The Lieutenant Governor, Andaman and  
Nicobar Islands, Raj Niwas, Port Blair.

3. The Chief Secretary, Andaman and  
Nicobar Administration, Secretariat,  
Port Blair.

4. The Secretary (PWD), Andaman and  
Nicobar Administration, Secretariat,  
Port Blair.

5. Andaman Public Works Department,  
Nirman Bhawan, Port Blair, through  
The Chief Engineer, APWD, Port Blair.

6. The Chief Engineer, APWD, Port Blair.

7. The Superintending Engineer, Nicobar,  
APWD, Car Nicobar.



8. The Executive Engineer, Construction Division,  
APWD, Kamorta.

9. The Assistant Secretary(PWD),  
Andaman and Nicobar Administration,  
Secretariat, Port Blair.

...Respondents

For the Applicant : Mr. P.C.Das, Counsel

For the Respondents : Mr. MD.Tabraz, Counsel

### **ORDER (Oral)**

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

Heard Mr.P.C.Das, Learned Counsel for the Applicant and  
Mr.MD.Tabraz, Learned Counsel appearing for the Respondents.

2. This OA has been filed by the applicant, who is working as Assistant Engineer, Andaman Public Works Department posted at Kamorta, under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “ (i) To pass an appropriate order directing upon the respondent authority to regularize the ad hoc service of your applicant to the post of Junior Engineer with effect from 5.3.1984 that is from the initial date of appointment and to grant 2<sup>nd</sup> financial upgradation under ACP Scheme and to give all consequential benefits after regularized from initial date of appointment and also consider your applicant's case and to grant the 2<sup>nd</sup> financial upgradation under ACP Scheme in the pay scale of Rs.10,000-15,200 with effect from 5.3.2008 and to give all consequential benefits on the basis of the recommendation made by the respondent department vide their letters dated 12<sup>th</sup> August, 2010, 24<sup>th</sup> August, 2010, 2<sup>nd</sup> September 2010, 28<sup>th</sup> September 2010, 7<sup>th</sup> October 2010, 29<sup>th</sup> October 2010, and lastly 16<sup>th</sup> November 2010 and in the light of the similar order

and direction passed by this Hon'ble Tribunal dated 11.12.2009 in M.A.No.52/AN/2008 and O.A.No.199/AN/2008.

- (ii) To pass an appropriate order directing upon the respondents authority to regularize the ad hoc service of the applicant as Junior Engineer from the date of initial appointment and to grant ACP benefit taking into consideration of the length of the service of the applicant from the date of initial appointment as Junior Engineer and to give other consequential benefits accordingly."

3. Though notices were issued and in the meanwhile reply statement was filed by the respondents still then Mr.P.C.Das, learned counsel for the Applicant, submitted that though no rejoinder has been filed, this OA can be disposed of at this stage in view of the orders passed by the Calcutta Bench of this Tribunal in OA.70/AN/2013, dated 30.09.2015 (Annexure.A-I, page 14 to the MA) as well as the order passed by the Hon'ble High Court of Calcutta, Port Blair Bench, in W.P.CT.No.188/2016, dated 10.06.2016. Mr.Das fairly submitted that the grievance of the applicant will more or less be settled, if an opportunity is granted to the applicant to make a comprehensive representation to the authorities enclosing these two orders and the authorities may be directed to consider the representation of the applicant keeping in mind these two orders and pass a speaking order.

4. On the other hand, Mr.Tabraz, Learned Counsel appearing for the Departmental Respondents, strongly objected for issuance of such a mandatory direction. However, we do not think it will be prejudicial to either of the sides, if this OA is disposed of by granting liberty to the applicant to make a comprehensive representation by enclosing these two orders within a period of one month from today to the respondent no.6 and the respondent no.6 is directed

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to consider the said comprehensive representation as well as the applicability of these two orders and the settled position of law in the instant case and dispose of the same by way of a reasoned and speaking order within a period of one month from the date of receipt of a copy of the said representation. We make it clear that we have not expressed any opinion on the merits of the matter and all the contentions raised in the representation as well as the applicability of these two orders as well as the law governing the field may be considered by the respondent no.6. We also make it clear that after such consideration, if it is found that the applicant is similarly situated to that of the applicant in O.A.No.70/AN//2013 before this Tribunal, which was confirmed by the Hon'ble High Court of Calcutta, in W.P.CT.No.188/2016, dated 10.06.2016 as well as O.A.No.351/208/2015 filed by Mr.Ashis Ghose, expeditious steps may be taken to extend those benefits to the applicant herein.

5. With the above direction, the OA and the M.A.No.275/2017 stand disposed of. The applicant is at liberty to forward a copy of this order along with a copy of his representation enclosing the copies of the orders, relied upon by him, for perusal and consideration of the respondent no.6 as per rules and as per the well settled position of law. No costs.

( Minnie Mathew )  
Member(A)

( A.K.Patnaik )  
Member (J)

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