

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CIRCUIT BENCH AT PORT BLAIR

M.A. No. 285 /A&N/2012

In

O.A. No.178/A&N/2011

IN THE MATTER OF

1. Shri Ranjit Kumar Kerketta, aged about 25 years, S/o Late Pitrus Kerketta, R/o Karmatang No.10, Mayabunder, under Maybunder Tehsil, North & Middle Andaman.
2. Shri Murugan, aged about 26 years, S/o K. Subramaniam, R/o Tugapur, Rest Camp village, Mayabunder, North & Middle Andaman.
3. Shri Anand Prabhu, aged about 26 years, S/o K.R. Subramaniam, R/o Tugapur, Rest Camp village, Mayabunder, North & Middle Andaman.
4. Shri S. Murgesh, aged about 24 years, S/o Sonaiah, R/o Pokhadera village, Mayabunder, North & Middle Andaman.
5. Shri Saw Easu,  
S/o Saw Andrew, R/o Lucknow village, Mayabunder, North & Middle Andaman.

..... Applicants

-VERSUS -

1. The Union of India  
through Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi -110 003.
2. The Andaman & Nicobar Administration,  
through the Chief Secretary, Andaman & Nicobar Administration, Secretariat, Port Blair.

DATE OF FILING ... 3/12/12

DATE ...

BY POST

REGISTRAR ...

MA-46/AN/12

FOR REGISTRAR

3. The Chief Secretary,  
A & N Administration,  
Secretariat, Port Blair.
4. The Principal Chief Conservator of Forests,  
Ex-officio Secretary (Environment &  
Forests), Andaman & Nicobar Islands,  
Vansadan, Port Blair - 744 102,  
Andaman District.
5. The Divisional Forest Officer,  
Mayabunder Forest Division,  
Department of Environment and Forests,  
Andaman & Nicobar Islands.
6. The Divisional Forest Officer,  
Wildlife Division-II, Mayabunder,  
Department of Environment and Forests,  
Andaman & Nicobar Islands.
7. The Divisional Forest Officer,  
Office of the DFO Mayabunder Forest  
Division, Department of Environment and  
Forests, Andaman & Nicobar Islands.
8. Shri Manab Kumar Das,  
S/o Hiralal Das,  
Working as Mazdoor in Department of  
Environment and Forests.
9. Shri Robin Biswas,  
S/o Niranjana Biswas,  
Working as Mazdoor in Department of  
Environment and Forests.
10. Shri Saw Faderick,  
S/o Late Saw Calvin,  
Working as Mazdoor in Department of  
Environment and Forests.
11. Shri Tarcious Indwar,  
S/o Emil Indwar,  
Working as Mazdoor in Department of  
Environment and Forests.
12. Shri Pratap Ch. Biswas,  
S/o P.K. Biswas,  
Working as Mazdoor in Department of  
Environment and Forests.

Saw

62

13. Shri K. Keswar Rao,  
S/o K. Chinna Swamy,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.
14. Shri C. Kumaresan,  
S/o Chinnaiah,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.
15. Shri Ashok Johnson Lakra,  
S/o Amartus Lakra,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.
16. Smti Manjula,  
W/o S. Paneer Selvam,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.
17. Smti Sushma Mazumder,  
W/o Shri Biren Mazumder,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.
18. Shri Banamali Das,  
S/o Late Sukumar Das,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.
19. Shri G. Rajeswar Rao,  
S/o G. Appanna,  
Working as Mazdoor in Department of  
Environment and Forests, Tugapur.

..... Respondents

*WLi*

No. M.A. 351/00285/2017

Date of order: 7.4.2017

(O.A. 178/AN/2011)

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

For the Applicant : Ms. A. Nag, Counsel

For the Respondents : Mr. S.K. Mandal, Counsel  
Mr. S.C. Misra, Counsel

**ORDER (Oral)**

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

Heard Ms. A. Nag, Ld. Counsel appearing for the applicant and Mr. S.K. Mandal along with Mr. S.C. Misra, Ld. Counsel appearing for the departmental respondents.

2. Ms. A. Nag, Ld. Counsel for the applicant has filed an M.A. No. 351/00285/2017 enclosing an order passed by the Hon'ble High Court dated 10.1.2017 in WPCT No. 174 of 2015 with the following directions:-

"..... In view of the aforesaid settled principles of law, we are not in a position at this stage to decide the aforesaid issues raised before the learned Tribunal as a Court of first instance. Only option left for us is to remand the matter back to the learned Tribunal once again for deciding the aforesaid issues on merit.

In view of the above, the impugned judgment is quashed and set aside on the ground of not deciding the aforesaid issues on merit expeditiously and preferably within three months from the date of communication of this order.

This writ application is, thus, disposed of. There will be, however, no order as to costs.

Urgent Photostat copy of this judgment, if applied for, be furnished to the parties upon compliance of formalities."

3. From the aforesaid order it is crystal clear that the Hon'ble High Court while quashing the order passed by this Tribunal in O.A. No. 178 of 2011 has remanded the matter back to this Tribunal for re-consideration of the entire matter within a period of three months from the date of communication of the order.

*Alle*

Ms. Nag submitted that though the order was duly communicated on 31.3.2017 by filing this M.A., the matter should have been heard and disposed of by this Tribunal as directed by the Hon'ble High Court by 30.6.2017.

5. As the matter is listed today and there is no time left for the matter to be heard, the Registry is directed to immediately list this matter before the Calcutta Bench in view of the time limit given by the Hon'ble High Court.

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

(Minnie Mathew)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

SP