

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No. O.A. 351/373/2018

Date of Order: 20.03.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Ms. Alpana Mondal, daughter of late  
Bisweshwar Mondal, aged about 34 years,  
Working as Daily-Rated Mazdoor under  
Executive Engineer, Construction Division-II,  
Andaman Public Works Department,  
Prothrapur, Andaman & Nicobar Administration  
And residing at Quarter No. 1, Type-5, Carbin  
Road, Chakkargaon, South Andaman, Pin-  
744112.

.....Applicant.

-versus-

Administrative Tribunal



1. Union of India, Service through the Secretary, Government of India, Ministry of Urban Development, Bhawan C-Wing, Dr. Maulana Azad Road, New Delhi- 110011.
2. The Andaman & Nicobar Administration service Through the Chief Secretary, Andaman & Nicobar Administration, Port Blair- 744101.
3. The Chief Engineer, Andaman Public Works Department, Port Blair – 744101.
4. The Secretary (PWD), Andaman and Nicobar Administration, Secretariat, Port Blair- 744101.
5. The Executive Engineer, Construction Division-II, Andaman Public Works Department, Prothrapur, South Andaman, Port Blair- 744101.

.....Respondents.

For the Applicant : Mr. B. Chatterjee, Counsel  
Ms. T. Maity, Counsel

For the Respondents : Mr. S.K. Ghosh, Counsel

*[Signature]*

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

(a) Heard both counsels for the applicants and respondents.

2. Through this application the applicant has prayed for following reliefs:

"8(a) To quash and/or set aside the impugned office order being F. No. Genl-EE/CD-II/2018/09 dated 21<sup>st</sup> February, 2018 issued by the Executive Engineer, Construction Division-II, Andaman Public Works Department, Prothrapur by which it has been intimated to the applicant that the service of the applicant will be terminated with effect from 22.3.2018 without assigning any reason and it has been issued by violation of the principle of natural justice, equity and fair play being Annexure A-4 of this original application when your applicant is waiting for regularization of her service in terms of the final seniority list issued by the respondent authority dated 13<sup>th</sup> February, 2018 being Annexure A-3 of this original application.

(b) To declare that the office letter dated 21<sup>st</sup> February, 2018 is otherwise bad in law and illegal which has been issued by not assigning any reason and which has been issued by violation of the principle of natural justice, equity and fair play.

(c) To pass an appropriate order directing upon the respondent authority to allow the applicant to resume duty to her respective post in terms of the final seniority list published by the respondent authority dated 13.02.2018.

3. During the course of hearing, learned counsel for applicant draws our attention to the notice of the respondent authority's notice dated 21.02.2018 (Annexure A-4 to the OA) in which the applicant was notified that her services will be terminated w.e.f. 22.03.2018. Our attention has also been drawn to the representation made against the said notice by the applicant on 22.02.2018 (Annexure A-5 to the OA).

4. While arguing, learned counsel on behalf of the respondents, submits that an order was passed by the Executive Engineer, Construction Division No. II, APWD, Prothrapur dated 16.03.2018, wherefrom it transpires that the earlier notice dated 21.02.2018 has been withdrawn by the respondent authority and in

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view of that, another notice has been served upon the applicant stating that the applicant's services shall be retrenched/terminated with effect from 15.04.2018 under provision of Clause 25-F of Industrial Dispute Act 1947 on the ground of acquisition of disproportionate assets.

5. Ld. Counsel for the applicant, on receipt of the notice during the course of hearing, submits that the applicant does not come under the purview of Industrial Dispute Act 1947. Ld. Counsel for respondents does not offer any response to the said objection.

6. Hence, without entering into the merits of this case, we dispose of the matter by giving liberty to the applicant to make a representation on the notice dated 16.03.2018 within a period of 7 days from the date of receipt of a copy of this order and direct the respondent authority to consider the same as per their Rules and to pass a reasoned and speaking order on the same, within a further period of 10 days and communicate their decision to the applicant immediately thereafter.

7. With this observation, the OA is disposed of. No order as to costs.

(Dr. Nandita Chatterjee)  
Member (A)

(Manjula Das)  
Member (J)

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