

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

O.A.NO. 351/00424 / 2016 ~~2019~~

IN THE MATTER OF:

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

-And-

IN THE MATTER OF:

Mrs. Manimala Halder W/o Dr. R.K.Halder R/o Link
Road, Port Blair, South Andaman District, presently
working as Vice Principal, Government Secondary
School, Shaol Bay-14, Ferragunj Tehsil, South
Andaman District.

.....Applicant

-Versus-

1. Union of India through the Secretary, Ministry of Human
Resource Development (Education Department), Govt. of
India, Shastri Bhavan, New Delhi-110001.

2. The Lt. Governor, Andaman & Nicobar Islands, Raj
Nivas, Port Blair-744101.

3. The Chief Secretary, A & N Administration, Secretariat
Building, Port Blair.

SL

HTW

2

4. The Secretary-cum-Director (Education), Andaman &
Nicobar Administration, Secretariat Building, Port Blair.

.....Respondents.

W.H.

No. O.A. 351/00424/2017

Date of order: 5.4.2017

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

For the Applicant : Mr. R. Singh, Counsel
 Mr. T.K. Das, Counsel

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

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. R. Singh, 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. This O.A. has been filed by the applicant, who is at present working as Vice-Principal, Government Secondary School, Shoal Bay-14, South Andaman, under Section 19 of the Administrative Tribunal Act, 1985 challenging the inaction on the part of the respondent authorities by not regularizing his adhoc service till date despite submitting all the documents and also against the discriminatory acts of the authorities by not regularizing her adhoc services for the purpose of pay fixation only as done in the case of other similarly situated teachers. Through this O.A., the applicant has sought for the following reliefs:-

"A) An order do issue directing the respondents regularise the adhoc service of the applicant w.e.f. 24.8.1987 by condoning the artificial breaks as done in the case of P.T. Elizabeth (Annexure A-9) and others;

B) An order do issue directing the respondent authorities to allow pay fixation from the date of initial adhoc service as allowed in case of other Physical Education Teachers vide order No. 1293 dated 21.4.2016. (Annexure A-11);

C) An order be passed directing the respondent authority to release consequential benefits arising consequent to prayer of Prayer (A) or (B) hereinabove;

D) Any such order or orders be passed and or direction or directions be given as this Hon'ble Tribunal may deem fit and proper.

E) Cost and incidentals to this application."

3. As per the Ld. Counsel appearing for the applicant, the sum and substance of the dispute are that the applicant was appointed as Graduate Trained Teacher

✓/A.K.

by order dated 24.8.1987 for a period upto 31.12.1987. While she was holding the post of GTT, she was promoted to the post of Senior Teacher on adhoc basis for a period upto 30.4.1988 vide order dated 11.9.1987 on the condition that her further extension shall be subject to rendering satisfactory services in her subject at the All India Secondary and Senior School Examination. Thereafter being satisfied with her performance her appointment on adhoc basis was extended till 15.5.1988. After summer vacations vide order dated 5.9.1988 she was again appointed as Senior Teacher on adhoc basis for a period upto 31.7.1988 and vide order dated 3.7.1989 her adhoc appointment to the post of Senior Teacher was regularised with immediate effect. Further the applicant filed O.A. No. 97/AN/2000 for assigning her the correct position in the seniority list by regularizing her adhoc service and in terms of the directions issued by this Tribunal she submitted a representation which was subsequently rejected by the authorities. Challenging the said order of rejection she approached the Hon'ble High Court and the Hon'ble High Court also decided in her favour. The respondent authorities invited details of adhoc service for the purpose of regularization of adhoc service for the years 2007, 2008, 2010 and 2013 and thereafter the adhoc service of many teachers have been regularized from the initial date of adhoc appointment condoning the breaks in service and they were allowed the benefits of past adhoc service for the purpose of fixation.

4. Mr. R.Singh, Ld. Counsel for the applicant states that liberty may be given to the applicant to prefer a comprehensive representation addressed to respondent No. 4 i.e. the Secretary-cum-Director (Education), A&N Administration, Secretariat Building, Port Blair and further submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 4 to dispose of the said representation within a specific time frame.



6. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 4 that if any such comprehensive representation is preferred by the applicant within a period of two weeks from today, then it may be considered and disposed of by way of a well-reasoned order within a period of three months from the date of receipt of a copy of such representation under communication to the applicant and if after such consideration, if 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.

7. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. R. Singh undertakes to deposit necessary cost in the Registry by Friday.

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

(Minnie Mathew)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP