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0-A-351/00583/2017

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA.****Application under Section 19 of the Administrative Tribunal Act, 1985****O.A. No. 351/00 583 of 2017**

A.G. Praveen Rao, son of A.G. Damodar  
aged about 37 years, residing at A-13,  
Garden Gate Apartment, Dollygunj,  
Port Blair, Pin 744 103 working as  
Physical Education Teacher, Government  
Senior Secondary School, Haddo, Telugu  
Medium, Port Blair.

..... Applicant

- Versus -

1. The Union of India, through the Secretary  
Ministry of Human Resources  
Development, M.H.R.D., Government of  
India, Sashtri Bhaban, New Delhi,  
Pin - 110001.



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2. The Andaman & Nicobar Administration through the Chief Secretary, Andaman & Nicobar Administration, Secretariate, Port Blair, Pin – 744101.
3. The Secretary (Education), Andaman & Nicobar Administration, Secretariate, Port Blair, Pin 744101.
4. The Director of Education, Andaman & Nicobar Administration, Port Blair, Pin - 744101.
5. The Deputy Education Officer, Rangat, Middle Andaman, Pin – 744123.
6. The Assistant Director (Administration I, Andaman & Nicobar Administration, Director of Education, Port Blair, Pin – 744101.

*AD*

O.A.No.351/00583/2017

Date of order : 13.04.2017

**Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**

For the applicant : Mr. P.C. Das, counsel  
Mr. T. Maity, counsel

For the respondents : Mr.S.K. Ghosh, counsel

ORDER(ORAL)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order dated 15.03.2017 issued by the Assistant Director (Administration -1), Andaman & Nicobar Administration by which he has been forced to apply for leave against certain periods when he was not absent from duty and for quashing the order of recovery made against him in violation of the order of the Secretary(Education). The applicant has also challenged the impugned memo dated 13<sup>th</sup> May, 2015 issued by the Deputy Education Officer to enforce him to apply for leave to regularise the period when he was stated to be absent from duty.

2. In this O.A. the applicant has prayed for the following reliefs:-

" 8(a) To quash and/or set aside the impugned office order dated 15.3.17 issued by the Assistant Director (Administration-I), Andaman & Nicobar Administration by which your applicant has been forced to apply for leave against those period where he never absent in the office and also the order of recovery has been made in respect of those period which is absolutely illegal and arbitrary by violation of the order of the Secretary (Education) dated 1<sup>st</sup> July, 2016 being Annexure A-11 of this O.A.

(b) To quash and/or set aside the impugned memo dated 13<sup>th</sup> May 2015 issued by the Deputy Education Officer being Annexure A-4 of this O.A.

(c) To declare that allegation of unauthorized absent which has been made by the respondent authority against the applicant with effect from 30.06.2008 to 02.11.2010 is otherwise bad in law and illegal and applicant never absent in those period and the authority has failed to supply with

the Attendance Register to the applicant despite the clear direction made by the Secretary (Education), First Appellate Authority dated 1<sup>st</sup> June/July, 2016 and 13<sup>th</sup> February, 2017.

(d) To pass an appropriate order directing upon the respondent authority to regularize the period which the respondent authority are making allegation the unauthorized absent which your applicant never committed and to regularize of those period by giving increment with the unauthorized withholding increment because of the non-regularization period mentioned in the impugned order.

(e) To pass an appropriate direction upon the respondent authority not to make any recovery of money from the salary of the present applicant under any circumstances."

3. I have heard Mr. P.C. Das along with Ms. T.Maity, Id. counsel for the applicant and Mr. S.K. Ghosh, Id. counsel for the respondents.

4. Id. counsel Mr. P.C. Das appearing on behalf of the applicant submitted that the applicant preferred a representation on 29.03.2017 to the Secretary cum Director of Education, Directorate of Education, Port Blair(Annexure A/12 of the O.A.) i.e. the Respondent No.3 of this O.A. , but no reply has been received by him till date. Mr. Das, therefore, submitted that the applicant would be satisfied if a direction is given to the respondents to consider the case of the applicant as per rules and regulations governing the field within a stipulated period.

5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted a representation to the authorities ventilating his grievances , he has not received any reply till date.



6. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

**"17. .... ....Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."**

7. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicant. Accordingly the Respondent No.3 i.e. the Secretary cum Director of Education, Directorate of Education, Port Blair is directed to consider and dispose of the aforesaid representation of the applicant, if pending consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of three months from the date of receipt of a copy of this order. If the representation has already been disposed of in the meantime, the result be communicated to the applicant forthwith. After such consideration if the applicant is found entitled to the reliefs as claimed, then expeditious steps may be taken by the respondents to grant the same within a further period of three months from the date of taking decision in the matter. The respondents are restrained from making further recovery from the salary of the applicant till disposal of the representation. I hope and trust that no coercive action will be taken against the applicant till disposal of his representation as observed above.

*W.A.*

8. It is made clear that I have not gone into the merits of the case and all the points raised in the representation shall remain open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. As prayed by Mr. Das, a copy of this order along with the paper book may be transmitted to the Respondent No.3 by speed post by the Registry for which Mr. Das undertakes to deposit the cost within one week.

10 With the above observations the O.A. is disposed of. No order as to cost.

( A.K. Patnaik )  
Judicial Member

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