

OA/350/1562/2018

**LIBRARY****IN THE CENTRAL ADMINISTRATIVE TRIBUNAL****CALCUTTA BENCH****CIRCUIT BENCH AT PORT BLAIR****ORIGINAL APPLICATION NO. OF 2018****Shri.Ashfaq Ahmed,**

S/o Late Abdus Sattar,

R/o Haddo Village,

Under Port Blair Tehsil,

South Andaman District,

Andaman &amp; Nicobar Islands

**...Applicant****-Versus-****1. The Union of India,**

Through the Secretary,

Ministry of Home Affairs,

Jaisalmer House, 26,

Mansingh Road,

New Delhi - 111001.

**2. The Hon'ble Lieutenant Governor,**

Raj Niwas, Kamraj Road,

A&amp;N Islands, Port Blair. -744104

**3. The Director of Shipping Services,**

Marine Department,

A&amp;N Administration, Port Blair,

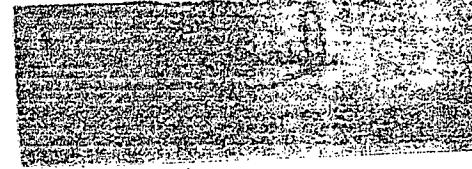
A&amp;N Islands, Port Blair. -744104

**4. The Assistant Director of Shipping Services,**

Marine Department,

A&amp;N Administration, Port Blair,

A&amp;N Islands, Port Blair. -744104

*W.L.*

5. The Chief Port Administrator,

Port Management Board,

A&N Islands, Port Blair. - 744104

...Respondents

W.B

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1562/2018

Date of Order: 10.10.2018

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

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

For the Respondents : Mr. P.K. Das, counsel

ORDER (ORAL)Mr. A.K Patnaik, Member (J):

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 06.02.2018 issued by the In-charge Director of Shipping Services, Port Blair whereby promotion of the applicant for the post of Engine Driver, 2<sup>nd</sup> Class was rejected and a direction was given to conduct a fresh DPC.

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

"8.(a) An Order / Orders be passed directing the Respondent No. 3 to set aside the impugned Order dated 06.02.2018 passed by the Respondent No. 5 holding the charge of Respondent No. 3 whereby directed for fresh DFC.

(b) An Order/ Orders be passed directing the Respondent No. 3 to strictly act in accordance with law whereby the Applicant shall be promoted as per the Merit List of DPC held on 10.10.2016.

(c) An Order/ Orders be passed directing the Respondent No. 3 to consider the case of promotion of the Applicant as per the file moved in the month of December, 2017 as per the Merit List of DPC dated 10.10.2016.

(d) An Order/ Orders be passed directing the Respondent Authorities to transmit the Original records of the case before this Court/ tribunal so that after perusing the same, conscientable justice may be rendered to the Applicant by giving the promotion to the post of Engine Driver 2<sup>nd</sup> Class.

(e) An order/ orders/ direction/ directions directing the respondent authorities to grant all consequential benefits to the applicant."



3. Heard ld. counsel Mr. P.C. Das leading Ms. T. Maity, ld. counsel for the applicant. Mr. P.K. Das, ld. counsel for the respondents is also present and heard.

4. Brief facts of this case as narrated by ld. counsel for the applicant are that the applicant is working as Engine Room Rating Employee in the Directorate of Shipping Services, Andaman & Nicobar Administration, Port Blair from 8<sup>th</sup> July, 2004. On 20.07.2016 order of grant of financial upgradation under Modified Assured Career Progression Scheme (MACPS) 2008 was issued by the respondent authorities. On 23.08.2016 order was issued for holding the DPC and names of the employees were recommended. Thereafter, the DPC proceeding was held by the DPC Committee on 10.10.2016. On 21.12.2017 the name of the applicant was referred to the authority concerned for promotion as Engine Driver 2<sup>nd</sup> Class. Thereafter vide order dated 06.02.2018 promotion of the applicant was rejected and a direction was given to conduct a fresh DPC which is under challenge in this O.A.

5. Ld. counsel for the applicant Mr. P.C. Das has drawn my attention to Annexure A/5 whereunder copies of some official notes were annexed in support of promotion of the applicant to the post of Engine Driver, 2<sup>nd</sup> Class and submitted that the applicant would be satisfied if a direction is given to the Respondent No.3 to act upon the official notes at Annexure A/5 .

6. Though no notice has been issued to the respondent authorities, I think it would not be prejudicial to either of the parties, if such prayer of the ld. counsel for the applicant is allowed.

7. Accordingly, the Respondent No. 3 i.e. the Director of Shipping Services, Marine Department, A&N Administration, Port Blair is directed to act in accordance with the official notes at Annexure A/5 and take a decision as per the relevant rules within a period of six weeks from the date of receipt of a copy of this order.



8. It is made clear that I have not gone into the merit of this case and all the points are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

9. With the above observations and directions, the O.A is disposed of. No costs.

10. A copy of this order along with paper book be transmitted to Respondent No. 3 by the Registry through speed post for which ld. counsel for the applicant undertakes to deposit the cost within one week. A free copy of this order be handed over to ld. counsel for the official respondents.

**(A.K Patnaik)**  
**Judicial Member**

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