

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(CIRCUIT SITTING AT PORT BLAIR)

No. O.A. 437/AN/2019
M.A. 247/AN/2019

Date of order : 27.3.2019

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

1. Shri Bipul Kumar Mistry,
S/o. Late P.N. Mistry,
R/o. Garacharma Village,
Port Blair,
South Andaman District,
Pin - 744 105.

2. Shri J. Raveendran,
S/o. Late P. Janardhanan,
R/o. School Line,
Port Blair,
South Andaman District,
Pin - 744 103.

3. Shri Nageshwar Rao,
S/o. Late Ramalan,
R/o. Shadipur,
Port Blair,
South Andaman District,
Pin - 744 106.

4. Shri Ram Sharma,
S/o. Late J.G. Sharma,
R/o. Garacharma,
Port Blair,
South Andaman District,
Pin - 744 105.

5. Shri Krishna Biswas,
S/o. Late Ganesh Biswas,
R/o. Nimbutala,
Rangat,
Middle Andaman,
Pin - 744 205.

6. Shri Mohammed Abdul Majid,
S/o. Late M.A. Khaliq,
R/o. Dignabad,
Port Blair,
South Andaman - 744 101.

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7. Shri Barun Biswas,
S/o. Kalipada Biswas,
R/o. Subhash Gram,
Diglipur,
North & Middle Andaman,
Pin – 744 202.

.. Applicants

- VERSUS -

1. The Union of India,
Service through the Secretary,
Ministry of Power,
Department of Electricity,
New Delhi – 110 001.

2. The Lieutenant Governor,
Andaman & Nicobar Islands,
Raj Niwas,
Port Blair – 744 101.

3. The Secretary (Power),
Andaman & Nicobar Administration,
Secretariat,
Port Blair – 744 101.

4. The Superintending Engineer,
Electricity Department,
A&N Administration,
Vidyut Bhawan, Phoenix Bay,
Port Blair – 744 101.

.. Respondents

For the Applicants : Mr. K. Rao, Counsel

For the Respondents : Mr. N.A. Khan, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- “(a) Leave may be granted to the applicants in terms of Rule 4, Sub Rule 5(a) and (b) of the Central Administrative Tribunal (Procedure) Rule, 1987 for permitting the applicants to join together and file this application as the grievance of the applicants are common in nature

(b) To direct the respondent authorities to grant the grade pay of Rs. 4200/- instead of Rs. 2800/- at par with their counter parts who are working in the same department as well as in the other departments of the Andaman & Nicobar Administration.

(c) To pass an order directing the respondent authorities to consider the case of the applicants and to grant the grade pay of Rs. 4200/- instead of Rs. 2800/-.

(d) To pass such other order or orders as this Hon'ble Court may deem fit and proper."

2. A Miscellaneous Application, praying for liberty for joint prosecution of the O.A., is allowed on grounds of commonality in interest and cause of action, and, is disposed of accordingly.

3. Heard Ld. Counsel for both sides. This O.A. is disposed of at the admission stage.

4. Ld. Counsel for the applicants would submit that the applicants are working as Chargemen in the Electricity Department of the respondent authority and that they have been granted a Grade Pay of Rs. 2800/- whereas counterpart Chargemen in the same Department or other departments of the A&N Administration are getting a Grade Pay of Rs. 4200/-. That, the applicants had represented praying for grant of Grade Pay of Rs. 4200/- at par with their counterparts on grounds of similarities in educational qualification as well as duties and responsibilities of the Chargemen but, as the authorities have failed to consider their prayer, the applicants have approached the Tribunal in the Original Application.

Ld. Counsel further submits that the applicants would be fairly satisfied if the representations preferred by the applicants are directed to be disposed of within a specific time frame.

Upon examination of documents, however, it is seen that only three of the applicants, namely, applicant No. 1, 3 and 6 had preferred representations on 20.9.2018 (Annexure A-6 to the O.A. colly.). Although there are seven applicants, representations from the other four are not on record. Ld. Counsel for the applicants seeks liberty so that the other four applicants are permitted to prefer similar representations to the concerned respondent authorities.

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5. Ld. Counsel for the respondents does not object if the respondents are directed to dispose of the representations in accordance with law.

6. Accordingly, without entering into the merits of the matter, and with the consent of the parties, we hereby accord liberty to the remaining four applicants, namely, Srl. Nos. 2, 4, 5 and 7 to prefer comprehensive representations to the competent respondent authority within a period of three weeks from the receipt of a copy of this order. The competent respondent authority, who is the respondent No. 4, namely, The Superintending Engineer, Electricity Department, A&N Administration, will examine the contents of representations dated 20.9.2018 (received from applicants 1, 3 and 6) along with the representations received from the other four applicants, as named above, within a period of eight weeks of the date of receipt of a copy of this order. Respondent No. 4 will, thereafter, issue a reasoned and speaking order in accordance with law after examining as to whether the applicants are similarly circumstanced and are entitled to Grade Pay of Rs. 4200/- at par with their counterpart Chargemen in the Electricity Department as well as other Departments of the respondent authorities. The decision arrived at should be conveyed forthwith to the applicants thereafter.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

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