

LIBRARY

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

No. O.A. 351/01654/2018

Date of order : 08.01.2019

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

**Dr. R. Thulasidasan,  
Son of Late P. Raman Pillai,  
Ex-Director of Health Services,  
A&N Administration,  
Having permanent residence at Atlanta Point,  
P.O. Aberdeen Bazaar,  
Port Blair – 744 104.**

..... Applicant.

**Versus –**

1. Union of India,  
Service through the Secretary  
To the Government of India,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi – 110 011.
2. The Lt. Governor,  
A&N Islands Raj Niwas,  
Port Blair – 744 101.
3. The Chief Secretary,  
A&N Administration,  
Secretariat,  
Port Blair – 744 101.
4. The Principal Secretary (Health),  
A&N Administration,  
Secretariat,  
Port Blair – 744 101.

..... Respondents.

For the Applicant : Mr. S. Samanta, Counsel  
Mr. P.K. Mondal, Counsel

For the Respondents : Mr. R. Halder, Counsel



ORDER (Oral)Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"(a) DIRECTION do issue directing the respondent authorities to release all the service benefits including promotion and all consequential benefits as well as pensionary benefits of the applicant as if there had never been any departmental proceedings against the applicant, if necessary by quashing and/or setting aside all action taken on the 2 departmental proceedings after the order dated 14.05.2018 of the Hon'ble Supreme Court of India, including the enquiry report dated 14.09.2018 with covering letter dated 22.10.2018, being Annexure A-6 hereto and the enquiry report dated 18.09.2018 with covering letter dated 30.10.2018 being Annexure A-7 hereto;

(b) INJUNCTION do issue restraining the respondent authorities from acting in any manner or any further manner on the basis of the enquiry report dated 14.09.2018 with covering letter dated 22.10.2018, being Annexure A-6 hereto and the enquiry report dated 18.09.2018 with covering letter dated 30.10.2018 being Annexure A-7 hereto;

(c) DIRECTION do issue upon a competent authority to enquiry into and fix up responsibility for proceeding with the 2 departmental proceedings after the order of rejection dated 14.05.2018 of the Hon'ble Supreme Court of India of the prayer for extension of time for proceeding with and completing the said two departmental proceedings and thereupon a direction do issue for proceeding in accordance with law on the basis of such report on fixation of responsibilities for such illegalities/irregularities;

(d) DIRECTION in the nature of certiorari do issue upon the respondent authorities directing them to produce and/ or cause to be produced the entire records of the case and thereupon to pass necessary orders for rendering consonable justice;

(e) Cost and costs incidental hereto;

(f) And/ or to pass such other or further order or orders as to your Lordships may seem fit and proper."

2. Heard both Ld. Counsel. This matter is taken up at the admission stage.

3. Ld. Counsel for the applicant submits that the applicant superannuated from service on 31.3.2016 as DHS, Andaman & Nicobar Administration. The Hon'ble Supreme Court, while deciding on the SLP of the applicant heard analogously with the SLP of A&N administration, directed, inter alia, that the two departmental proceedings against the applicant be completed within three

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months and also directed that the applicant be posted as In Charge Officer on adhoc basis in the post of Director of Health Services, A&N Islands; the posting would, however, abide by the result of the two departmental proceedings. As the administration failed to complete the two departmental proceedings despite repeated extension of time granted towards the same, on 14.5.2018, the Hon'ble Supreme Court dismissed the IA of the Andaman & Nicobar Administration, namely, the respondents, for extension of time.

On receipt of such orders from the Hon'ble Apex Court, the respondents were requested by the Ld. Counsel for the applicant for grant of service benefits followed up by a letter of the applicant dated 3.7.2018 addressed to the Inquiry authority intimating that as the departmental proceedings had died a natural death upon the orders of the Hon'ble Apex Court dated 14.5.2018, the scope of further departmental proceedings does not arise.

Ld. Counsel for the applicant would submit that the applicant would be fairly satisfied if the respondents are directed to act in terms of the orders of the Hon'ble Apex Court and to release the service benefits as prayed for in the representations.

4. Ld. Counsel for the respondents does not object to disposal of the representations according to law.

5. Accordingly, with the consent of the parties, and without entering into the merits of the matter, we hereby direct the respondent No. 3, who is the Chief Secretary, Andaman & Nicobar Administration to decide on the said representations and to pass a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order.

We further direct the Inquiry authority and the Additional Principal Chief Conservator of Forests, who is the addressee in the representation dated 3.7.2018, to place the representation for decision before the Chief Secretary, A&N Administration. Upon arriving at a decision in accordance with law, the

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same should be communicated forthwith to the applicant and consequent benefits, if any, be released within a further period of four weeks thereafter.

6. The O.A. is disposed of with the above directions. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(A.K. Patnaik)  
Judicial Member

SP

