

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
CIRCUIT AT PORT BLAIR

LIBRARY

No. O.A. 351/01917/2018

Date of order: 21.12.2018

Present

Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri P.K. Khalid,
S/o Late K.P. Komu,
R/o Junglighat,
Port Blair Tehsil, South Andaman,
Presently performing and discharging the
Duties as in the capacity of Special Grade
Bus Driver at State Transport Services,
Bus Terminus, Port Blair,
Andaman & Nicobar Islands

Applicant

VERSUS

1. The Union of India,
Service through the Secretary,
Ministry of Human Resource & Development,
Shastri Bhawan,
New Delhi - 110 001.
2. The Chief Secretary,
A & N Administration,
A&N Islands,
Secretariat,
Port Blair - 744 101.
3. The Secretary,
Transport,
A&N Administration,
A&N Islands,
Port Blair - 744 101.
4. The Director,
Directorate of Transport,
A&N Administration,
Port Blair - 744 101.
5. The Transport Officer,
Bus Terminus,
Port Blair,
A & N Islands - 744 101.

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.. Respondents

For the Applicant : Mr. R. George, Counsel

For the Respondents : Md. Tabraiz, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

In the instant Original Application the applicant has prayed for quashing of the orders dated 12.11.2018 and 15.11.2018 in which the applicant, who is a Special Grade Driver had been directed to perform duty in ATR buses and also to, inter alia, identify and drive buses to the Workshop, monitor washing of buses, bring back buses to the Bus Terminus and maintain the records regarding washing of buses as per the duty chart issued in the order respectively:

2. According to the applicant, the duties of Special Grade Bus Drivers as laid down in the recruitment rules do not envisage coordinating, monitoring or attending to any duties relating to washing of Buses.
3. Ld. Counsel for the respondents draws our attention to Annexure A-1 of the said recruitment rules in which the following is stated:-

"DUTIES AND RESPONSIBILITIES OF SPECIAL GRADE HEAVY VEHICLE DRIVERS (BUS DRIVERS) OF THIS MOTOR TRANSPORT DEPARTMENT"

The Special Grade Bus Drivers shall carry out the duties of "Vehicle Incharge" and shall be responsible for the following:-

1. *Regulating of Bus Drivers to routes so as ensure optimum utilization of Drivers to maintain the Schedule.*
 2. *To act as a link between Bus Drivers and Station Master, Bus Terminus / Transport Officer / Chargeman.*
 3. *To ensure that the movement of vehicle is properly recorded in the log book.*
 4. *To ensure that the development of defect is lodged in the default book maintained in the Workshop instantly by the concerned Driver and that it has been attended to by a Mechanic.*
 5. *To ensure security and safety of vehicles during working hours inside the Bus Terminus.*
 6. *To ensure collection of postal mail by Drivers everyday.*
 7. *To report to his superiors for any false repair reported by Bus Drivers.*
 8. *Any other work assigned by the Controlling & Supervising Officer / Assistant Director (Transport)."*
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In particular, Ld. Counsel for the respondents would point out that item 8 of the duty list refers to any other work assigned by the Controlling & Supervisor Officer / Assistant Director (Transport) and since the orders (as impugned) have been issued in accordance with enlisted duties and responsibilities there are no legal infirmities with the orders issued by the respondent authorities.

4. Ld. Counsel for the applicant submits that the applicant has preferred a representation dated 15.11.2018 in which he has prayed for directions to rescind the Respondents' orders dated 15.11.2018 which, according to him, has been issued in contravention of the recruitment rules. Ld. Counsel for the applicant further submits that the applicant would be fairly satisfied if a direction is issued to the competent respondent authority to dispose of the said representation in a time bound manner.

5. Accordingly without entering into the merits of the matter and, with the consent of the parties, we direct the competent respondent authority, who is the respondent No. 4, namely, the Director, Directorate of Transport, A&N Administration, to examine the representation dated 15.11.2018, if received at his end, within a period of four weeks from the date of receipt of a copy of this order and to dispose of the same with reference to the Recruitment Rules as applicable to the applicant. The decision arrived at should be conveyed in the form of a speaking and reasoned order to the applicant forthwith. Till such time the representation is disposed of, no coercive steps may be taken against the applicant.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member