

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CIRCUIT COURT AT PORT BLAIR

Original Application No. 351/00026/2014
With
Original Application No. 351/00044/2014

Date of Decision: 25.03.2019

Shri Samarjeet Narayan & Another. PETITIONER(S)/APPLICANT(S)
Ms.A.Nag ADVOCATE(S) FOR THE
PETITIONER(S)/APPLICANT(S)

-Versus-

Union of India & Others RESPONDENT(S)
Mr. C.S.Mishra ADVOCATE(S) FOR THE
RESPONDENT (S)

CORAM:

THE HON'BLE MS. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE DR. NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER

- | | | |
|---|--|--------|
| 1 | Whether reporters of local newspapers may be allowed to see the Judgment? | Yes/No |
| 2 | Whether to be referred to the Reporter or not? | Yes/No |
| 3 | Whether the Judgment is to be circulated to other Benches of the Tribunal? | Yes/No |

Judgment pronounced by

Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CIRCUIT COURT AT PORT BLAIR**

Original Application No.351/00026/2014
And
Original Application No.351/00044/2014

Date of order: This, the 25th Day of March, 2019

THE HON'BLE MS. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE DR. NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER

Shri Samarjeet Narayan
S/o Late Hari Narayan
Aged about 34 years
R/o Dollygunj, Port Blair
Worked as Master (Home Grade)
Directorate of Shipping
Andaman & Nicobar Administration
Port Blair.

... Applicant in OA.351/00044/2014

Shri Abdul Shafique,
S/O Late Sharitullah,
R/O Sisty Nagar,
Retired Master(Home Trade),
Directorate of Shipping Services,
Port Blair.

... Applicant in OA.351/00044/2014

- Versus -

1 The Union of India
Through The Secretary,
Ministry Of Shipping,
Jahaj Bhavan, New Delhi-110 006.



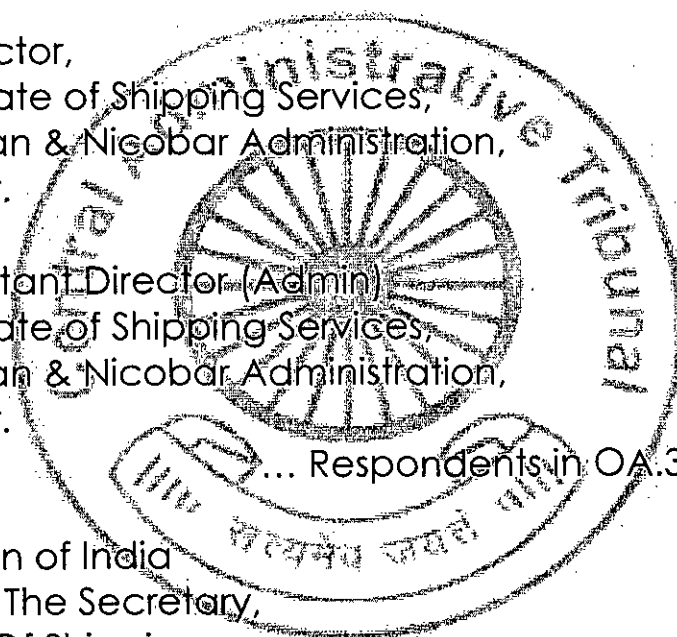
2 The Administration
Andaman & Nicobar Administration
Through The Chief Secretary,
Andaman & Nicobar Islands, Port Blair.

3. The Chief Secretary,
Andaman & Nicobar Administration,
Port Blair.

4. The Secretary (Shipping),
Andaman & Nicobar Administration,
Port Blair.

5. The Director,
Directorate of Shipping Services,
Andaman & Nicobar Administration,
Port Blair.

6. The Assistant Director (Admin)
Directorate of Shipping Services,
Andaman & Nicobar Administration,
Port Blair.



... Respondents in OA.351/00026/2014

1. The Union of India
Through The Secretary,
Ministry Of Shipping,
Jahaj Bhavan, New Delhi-110 006.

3 The Andaman & Nicobar Administration
Through The Chief Secretary,
Andaman & Nicobar Islands, Port Blair.

3. The Commissioner -Cum-Secretary, (Shipping),
Andaman & Nicobar Administration,
Secretariat, Port Blair.

4. The Secretary (Shipping),
Andaman & Nicobar Administration,
Port Blair.

5. The Director,
Directorate of Shipping Services,
Andaman & Nicobar Administration,
Port Blair.
6. The Assistant Director (Admin)
Directorate of Shipping Services,
Andaman & Nicobar Administration,
Port Blair.

... Respondents in OA.351/00044/2014

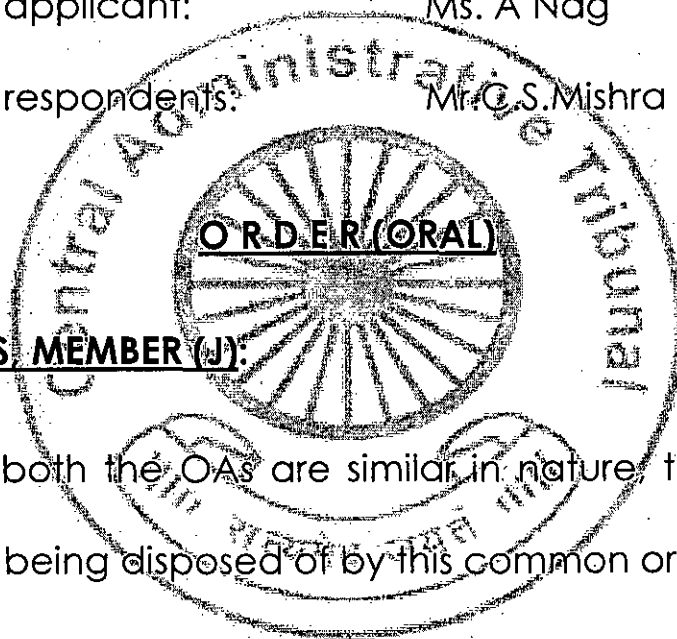
Advocate for applicant:

Ms. A Nag

Advocate for respondents:

Mr. C.S. Mishra

MANJULA DAS, MEMBER (J):



As both the OAs are similar in nature, they are heard together and being disposed of by this common order.

2. We have heard Ms. A Nag, learned counsel for both the applicants and Mr. C.S. Mishra, learned counsel for the respondents.

3. No written statement has been filed by the respondents. However, learned counsel for the respondents has submitted that the Department had filed SLP before the Hon'ble Supreme Court against the order passed by the Hon'ble Calcutta High Court

whereby the writ petition no.180/2013 filed by the applicant of OA.59/AN/2012 was allowed by setting aside the order of this Tribunal in OA.59/AN/2012, however, the SLP was dismissed by the Hon'ble Supreme Court and accordingly, the department had implemented the order of the Hon'ble High Court. Learned counsel produced before us the copies of the orders passed by the Hon'ble High Court and the Hon'ble Supreme Court and also the compliance order dated 27.02.2017.

4. From the records of OA (page 199 of OA.26/2014) it appears that this Tribunal vide common order dated nil allowed OA.60/AN/2012 (filed by Shri Abdul Majeed) to the extent indicated in the order and dismissed the OA. 59/AN/2012 (filed by Sri A.P.Anthony) and OA. 96/AN/2012 (filed by Shr Abdul Shafique - present applicant in OA.44/2014). The Department had implemented the order passed in OA.60/AN/2012 (Abdul Majeed). But the dismissal order was assailed by the applicant in OA.59/AN/2012 and 96/AN/2012 before the Circuit Court of Hon'ble Calcutta High Court vide writ petition nos. 180/2013 and 211/2013 respectively. Writ Petition No.180/2013 filed by Sri A.P.Anthony was allowed by the Hon'ble High Court vide

judgment and order dated 31.07.2013. The Review No.11/2015 filed before the Hon'ble High Court was also dismissed vide judgment and order dated 30.09.2015. The Department filed SLP No.4415/2016 against the judgment and orders of the Hon'ble High Court, however, the SLP was also dismissed vide order dated 21.11.2016. Accordingly, the department had complied with the order dated 31.07.2013 passed by the Hon'ble High Court in writ petition no.180/2013. On the other hand, writ petition no.211/2013 was also disposed of by the Hon'ble High Court vide judgment and order dated 06.08.2013. In compliance of the said order, the department had passed the impugned order dated 02.12.2013 which has been assailed in one of the present OAs, namely, OA.351/00044/2014.

5. In view of the above and upon hearing both the sides we direct the respondents to verify the cases of the present applicants with the applicant of OA.60/AN/2012, and upon such verification, if the applicants are found to be similar with the applicants of OA.60/AN/2012, similar benefits shall be extended to the applicant of the present two OAs. The aforesaid exercise shall

be completed, as early as possible, but not later than three months from the date of the receipt of this order.

6. Both the OAs are disposed of as above. There shall be no order as to costs.

(DR.NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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