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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CIRCUIT AT PORT BLAIR

O.A.No. 351/00579 / 2017

Shri T. Abdul Saleem
Son of Shri T. Abdul Wahab
Working as Agriculture Field Assistant in the
Department of Agriculture, Port Blair
Resident of Mathura Village
Ferrargunj Tehsil
South Andaman District

.....Applicant

-VERSUS-

1. The Union of India,
Service through the Secretary,
Govt. of India,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001
2. Union of India,
Service through the Secretary
Ministry of Agriculture and Cooperation

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Department of Agriculture and Cooperation
Krishi Bhawan, New Delhi - 110001

3. The Andaman & Nicobar Administration
(Through the Chief Secretary)
Andaman & Nicobar Administration
Secretariat, Port Blair - 744 101
4. The Secretary (Agriculture)
Andaman and Nicobar Administration
Secretariat
Port Blair-744101
5. The Director of Agriculture
A & N Administration, Horticulture Road
Port Blair, Pin-744102
6. The Assistant Director (Admn)
Directorate of Agriculture
A & N Administration, Horticulture Road
Port Blair, Pin-744102

.....Respondents

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Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Minnie Mathew, Administrative Member

For the Applicant : Mr. G.B. Kumar, Counsel

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

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. G.B. Kumar, Ld. Counsel appearing for the applicant and Mr. N.A. Khan, Ld. Counsel appearing for the departmental respondents.

2. This O.A. has been filed by the applicant, who is at present working as Agriculture Field Assistant in the Department of Agriculture, Port Blair, under Section 19 of the Administrative Tribunal Act, 1985 challenging non-consideration of repeated representations filed by him before the respondent No. 5 & 6 respectively to release his salary on and from March, 2016 to till date and to regularise his medical leave period. Through this O.A., the applicant has sought for the following reliefs:-

"A)i. An order be passed directing the respondent No. 5 to immediately release the salary of the applicant on and from March, 2016 till date with interest and to regularize the medical leave availed by the applicant during the said period.

ii) An order be passed directing the respondent no. 5 & 6 to immediately grant transfer travelling allowance advance to the applicant so that the applicant can join his new place of posting at Nancowry without any delay.

B) An order be passed directing the respondent authorities to transmit the original records of the case before this Hon'ble Court so that after perusing the same, conscionable justice may be rendered to the applicant giving them regular appointment.

C) Any other relief or reliefs, order or orders, direction or directions, as your Honour deem fit and proper."

3. As per the Ld. Counsel appearing for the applicant, the sum and substance of the dispute are that the applicant is at present holding the post of Agriculture Field Assistant and posted in the Directorate of Agriculture, Horticulture Road, Port Blair under respondent No. 5. He was transferred from Electronic Data



Processing (EDP) Cell to Little Andaman under Assistant Director (Agriculture), Little Andaman by the respondent No. 5 vide order No. 1085 dated 5.6.2015. He was deputed on duty-cum-tour to attend a workshop at Dharward, Karnataka and after returning from there he stood relieved on 31.7.2015 with a direction to immediately report for duty to his respective place of posting i.e. Little Andaman. He received the relieving order on 4.8.2015. He requested the respondent No. 5 to sanction composite transfer grant advance so as to enable him to immediately move to his place of posting. Subsequently the office of respondent No. 5 kept his transfer order in abeyance for a period of three months without citing any reasons. In the month of February, 2016 he was relieved from his duties w.e.f. 29.2.2016 with the direction to report for duty to the Office of the Assistant Director (Agri), Little Andaman and also to hand over the charges of all stores and records of Electronic Data Processing (EDP) Cell to Shri Amith Biswas, Computer Assistant Gr. "A". Thereafter the applicant submitted a letter requesting to sanction composite transfer grant in his favour. The said process was initiated by the office of respondent No. 5 for release of composite transfer grant to him which was finally sanctioned and approved by the competent authority. Thereafter, his matter was placed before the Jt. Director (Agri.) P&P who opined in his official notings that no action is required to be taken at this stage. Subsequently he approached Shri Amith Biswas to hand over charge and after receiving directions from the respondent No. 5 accepted to take over his charge. His salary and allowances were paid by the office of respondent No. 5 only upto 29.2.2016 after that his salary was held up from March 1, 2016 onwards. The applicant preferred a representation addressed to the Director of Agriculture on 6.8.2015 and 9.2.2017 requesting to release his salary from 1st March, 2016 as well as to grant him Composite Transfer allowance, which is still pending consideration.

4. Mr. G.B. Kumar, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is

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passed by directing the concerned authority i.e. respondent No. 5 to dispose of the representation dated 6.8.2015 and 9.2.2017 within a specific time frame.

6. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 5 (The Director of Agriculture, A&N Administration, Horticulture Road, Port Blair) that if any such representation have been preferred on 6.8.2015 & 9.2.2017 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to grant him composite transfer allowance as well as pay for which he has worked in the department.

7. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent No. 5 by speed post for which Mr. G.B. Kumar undertakes to deposit necessary cost in the Registry by 10.4.2017.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(Minnie Mathew)
Administrative Member

(A.K. Patnaik)
Judicial Member

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