

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

(CIRCUIT SITTING AT PORT BLAIR)

No. O.A. 351/00053/2014

Date of order: 28.3.2017

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

1. Dr. R.V.R. Murthy,  
S/o Late R. Vinayaku,  
Associate Professor (Political Science),  
Jawaharlal Nehru Rajke Mahavidlaya,  
Port Blair,  
R/o School Line,  
South Andaman,  
District - 744 103.
2. Dr. S.K. Biswas,  
S/o Late K.R. Biswas,  
Associate Professor (Political Science),  
Jawaharlal Nehru Rajke Mahavidlaya,  
Port Blair,  
R/o ABC Colony, Shadipur,  
South Andaman District,  
District - 744 104.
3. Dr. G. Rajendran,  
S/o. Late S. Guruswamy,  
Associate Professor (Commerce),  
Jawaharlal Nehru Rajke Mahavidlaya,  
Port Blair,  
R/o Diary Farm, South Andaman District,  
District - 744 103.
4. Miss. Sansarvati,  
D/o Late G. Basant Lall,  
Associate Professor (Hindi),  
Jawaharlal Nehru Rajke Mahavidlaya,  
Port Blair,  
R/o Lamba Lane,  
South Andaman District,  
Pin - 744 103.
5. Miss Raji Mathai,  
D/o Late V.A. Mathai,  
Assistant Professor (Policital Science),  
Jawaharlal Nehru Rajke Mahavidlaya,  
Port Blair,  
R/o Machi Line, Near Girls Hostel,  
JNRM,  
Port Blair,  
South Andaman District,  
Pin - 744 104.

... Applicants

- VERSUS -

*File*

1. The Union of India,  
Service through the Secretary,  
Ministry of Home Affairs,  
Government of India, North Block,  
New Delhi – 110 001.
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 Secretary (Education),  
A&N Administration,  
Secretariat,  
Port Blair – 744 101.
5. The Assistant Secretary (Hr. Education),  
A&N Administration,  
Secretariat,  
Port Blair – 744 101.

.. Respondents

For the Applicants : Mr. M. Lall, Counsel  
For the Respondents : Mr. S.C. Misra, Counsel

ORDER (Oral)

**Per A.K. Patnaik, Judicial Member:**

Heard Mr. M. Lall, Ld. Counsel for the applicant and Mr. S.C. Misra, Id. Counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging the office order No. 4688 dated 12.12.2000 issued by the Assistant Secretary (Edn.) whereby it has been ordered that in pursuance of the order of Lt. Governor, A&N Islands constituting a common cadre for the Lecturers of JNRM, Port Blair and MGGC, Mayabunder and non-consideration of representations on various occasions preferred by the applicant to the authorities concerned seeking the following reliefs:-

"a. Leave be granted to move one single application jointly under rule 4(5)(a) of the Central Administrative Tribunal Procedure Rules, 1987 since the cause of action and the relief prayed for are identical in nature.

b. A mandatory order directing the respondent authorities more particularly the Assistant Secretary (Hr. Edn.) and/or to his men, agents, servants and subordinates to withdraw/cancel/rescind the order No. 4688 dated 12.12.2000 issued by the Assistant Secretary (Hr. Edn.), A&N Administration, Secretariat.

*[Signature]*

c. A mandatory order be passed to set aside/quash/cancel/rescind the office order No. 4688 dated 12.12.2000 issued by the Assistant Secretary (Hr.Edn.), A&N Administration, Secretariat and further directing the respondent authorities that not to give any effect or further effect to the office order stated hereinabove.


d. An order directing the Respondent authorities to certify and transmit the records relating to the instant proceeding so that the conscionable justice.

e. Any other appropriate relief or reliefs as Your Lordship may deem fit and proper."

3. The brief facts in a nut shell are that the applicants are the Associate/Assistant professors of JNRM, College at Port. By an order dated 12.12.2000 Assistant Secretary (Hr. Edn.) was pleased to pass an order stating therein that with the approval of the Lieutenant Governor both the Associate/Assistant Professors were brought into the common cadre. It is pertinent to mention herein that the order dated 12.12.2000 issued by the Assistant Secretary (Hr. Edn.) ought to have been notified in an Official Gazette to enable all the interested persons to make aware about the said order. It is an admitted question of fact that the said office order had not yet been published in the official gazette and as such the office order dated 12.12.2000 have no legal force and sanctity. The admitted position is that a lot of Original Applications/Writ Petitions were moved before this Tribunal as well as the Hon'ble High Court by suppressing the material facts that the said order dated 12.12.2000 was never notified in Official Gazette. It has been submitted that it is mandatory on the part of the respondents that the order dated 12.12.2000 should have been published in an official gazette. On the basis of the said order dated 12.12.2000 the respondent authorities are now restructuring the cadre of the lecturers of JNRM, Port Blair & MGGC, Mayabunder, which is contrary to the well settled service jurisprudence and provision of law.

4. We find that the applicants after publication of the common seniority list of the Lecturers of JNRM, Port Blair and MGGC, Mayabunder has already preferred a representation pin pointing the anomaly in the said gradation list.

5. Though notice has been issued by this Tribunal, no reply statement has been filed by the respondents. Still then we find that no impugned order has been challenged. As the said representation has not yet been answered, we dispose of this Original Application directing the respondent No. 2 that if any such representation has been preferred on 10.03.2014 and is still pending consideration then the same may be considered




and disposed of by passing a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order under communication to the applicant.

6. Though we have not expressed any opinion on the merits of the matter and all points raised are kept open for respondent No. 2 to consider the same as per the rules and regulations in force still then we make it clear that 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 redress the grievance of the applicants.

7. A copy of this order along with paper book be transmitted to the respondent Nos. 2 by speed post for which Mr. M. Lall undertakes to deposit necessary cost in the Registry within a week.

8. 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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