

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(CIRCUIT SITTING AT PORT BLAIR)

No. O.A. 351/00459/2019

Date of order: 28.3.2019

Present : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. U. Sumathi Bai,
W/o. Shri Trimurthy,
R/o Diary Farm Village,
Port Blair,
South Andaman,
Working as Daily Rated Mazdoor,
Port Blair North Division, APWD,
Port Blair – 744 101.

Applicant

V E R S U S –

1. The Union of India,
Service through the Secretary,
Ministry of Road
Transport and Surface
Department of Public Works,
New Delhi – 110 001.
2. The Lt. Governor,
A&N Islands,
Raj Niwas,
Port Blair – 744 101.
3. The Commissioner cum Secretary,
APWD,
A&N Administration,
Secretariat,
Port Blair – 744 101.
4. The Chief Engineer,
Andaman Public Works Department,
A&N Administration,
Nirman Bhawan,
Port Blair – 744 101.

.. Respondents

Manjula

For the Applicant : Mr. K. Rao, Counsel

For the Respondents : Md. Tabraiz, Counsel

O R D E R (Oral)

Per 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) To pass an order directing the respondent authorities to grant age relaxation to the applicant for participating in the written test for the post of Junior Engineer in the Andaman Public Work Department as per recruitment/the vacancy notice dated 29th December, 2018.
- (b) To pass an order directing the Respondent Authorities to give the weightage of 50% in the marks secured by the applicant in the written test as per recruitment/the vacancy notice dated 29th December, 2018.
- (c) To pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

2. Heard Ld. Counsel for both sides.

3. The applicant has submitted through her Ld. Counsel that, having responded to an advertisement for appointment of Junior Engineers on contract basis at South Group of Islands, she had qualified for the said post and was posted at Campbell Bay. That, an advertisement was issued by the respondent authorities for filling up the posts of Junior Engineer on regular basis and although the applicant had challenged the same, the said challenge was dismissed by the Tribunal, the Hon'ble High Court as well as the Hon'ble Apex Court respectively.

The Hon'ble Apex Court, however, while dismissing the SLP, clarified that, in case any selection takes place, due weightage may be given to the past service of the petitioners and the respondent authorities may also consider relaxation in age.

The respondent authorities thereafter fixed certain weightage criteria. The applicant applied for appointment as a Junior Engineer in response to a fresh recruitment notice but was not allowed to attend the interview and, being aggrieved, approached the Tribunal with the instant Original Application.

(61)

That, during pendency of the Original Application, a recruitment notice has been published for appointment of twenty numbers of Junior Engineer (Civil) and, although, the applicant had applied for the said post, her prayer was rejected on the grounds of overage.

That, the applicant had preferred a representation on 25.3.2019 praying for relaxation of over-age with reference to the directions of the Hon'ble Apex Court as also the orders of the A&N Administration dated 9.4.2010. Ld. Counsel for the applicant submits that the applicant would be fairly satisfied if directions are issued on the concerned respondent authorities to dispose of the said representation in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the respondent No. 4, who is the Chief Engineer, Andaman Public Works Department, A&N Administration, to consider the representation dated 25.3.2019 (Annexure A-14 to the O.A.), in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The decision should refer to the orders of the Hon'ble Apex Court as well as the orders of the administration dated 9.4.2010 as highlighted in the applicant's representation dated 25.3.2019 and should be conveyed in the form of a reasoned and speaking order forthwith to the applicant.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

SP