

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT SITTING AT PORT BLAIR)

No. O.A. 351/00018/2016

Date of order: 28.3.2017

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

Shri Ashad Ali,
S/o Late Shaji,
R/o South Point,
Port Blair,
South Andaman District,
A&N Islands

.. Applicant

- VERSUS -

1. The Union of India,
Service through the Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Lieutenant Governor,
A&N Islands,
Raj Niwas,
Port Blair.
3. The Chief Secretary,
A&N Administration,
Port Blair.
4. The Secretary (Revenue),
A&N Administration,
Port Blair.
5. The Deputy Commissioner,
South Andaman District,
Port Blair.
6. The Assistant Commissioner (HQ),
Deputy Commissioner's Office,
South Andaman District,
Port Blair.
7. The Tehsildar,
Port Blair Tehsil,
South Andaman District.

.. Respondents

For the Applicant	:	Mr. R. George, Counsel
For the Respondents	:	None



ORDER (Oral)**Per A.K. Patnaik, Judicial Member:**

Mr. R. George, Ld. Counsel for the applicant is present and heard.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging the Office Order No. 791 dated 30.10.1974 issued from the office of the Deputy Commissioner, Andaman District for appointment to the post of Chowdhury purely on adhoc basis for a period of 6 months w.e.f. 2.9.1974, Office Order No. 211 dated 20.5.2014 issued from the office of the Assistant Commissioner, South Andaman for placing his name in the pension list w.e.f. 31.10.2014 (AN) on his attaining the age of superannuation, Office Order No. 543 dated 25.11.2014 issued from the office of the Assistant Commissioner, South Andaman for sanctioning of an amount of Rs. 10,27,232/- to the applicant at his credit in GPF Account No. 201061/008 who has retired from Govt. Service on superannuation w.e.f. 31.10.2014 (AN) and non-consideration of the representation submitted by the applicant in respect of pensionary benefits on superannuation. Through this O.A., the applicant has sought for the following reliefs:-

"a. A mandatory order directing the respondent authorities, more particularly the respondent No. 5 (Deputy Commissioner, South Andaman District) to release the entire pensionary benefits which is admissible and entitled to the applicant with effect from 1st November, 2014 by adding the applicable interest rate as this Hon'ble Tribunal would think fit and proper.

b. A mandatory order directing the respondent authorities, more particularly to the respondent No. 5 (Deputy Commissioner, South Andaman District) to pay the monthly pension to the applicant without any interruption on each and every calendar month.

c. An order directing the respondents to certify and transmit the records relating to the instant proceedings so that conscionable justice could be rendered.

d. To pass such other or further orders, direction/directions as your Lordships may deem fit and proper."

3. The facts in a nut shell are that the applicant was appointed as Chowdhary in the Revenue department on adhoc basis on the basis of the order dated 30.10.1974 and he



continued till 31.10.2014. During this period he availed all his service benefits including 1st, 2nd and 3rd Financial Upgradation. The respondent authorities after superannuation of the applicant sanctioned an amount of Rs. 10,27,232/- as GPF. The pay of the applicant was fixed under the extant guidelines and service rules. The applicant retired from service on 31.10.2014. The respondent authorities were not inclined to release his pensionary benefits and monthly pension. At present the applicant is not having any other source of livelihood. The applicant preferred representations dated 5.3.2015 and 25.3.2015 which is still pending consideration. In the facts and circumstances, the applicant desires to move the instant original application to meet the ends of justice for sanctioning pension in his favour with effect from November, 2014.

4. Mr. R. George, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 5 & 6 respectively to dispose of the representations dated 5.03.2015 & 25.3.2015 pending consideration within a specified time frame.

5. Though this Tribunal has issued notice but we feel it proper to dispose of this O.A. without awaiting for reply by directing the respondent Nos. 5 & 6 that if any such representations have been preferred on 5.03.2015 & 25.3.2015 and the same are still pending consideration, then those representations may be considered and disposed of by passing 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 extend those benefits to the applicant.

6. 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.



7. A copy of this order along with paper book be transmitted to the respondent Nos. 5 & 6 by speed post for which Mr. R. George 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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