

O. A. No. 351/ DO 330 / AN / of 2019

IN THE MATTER OF:

DILIP KUMAR SHAKHARI,

son of Shri Kumud Chandra Shakhari, aged
about 37 years, residing at C/o. Tarak Kumar
Shakhari, Village- Sippighat, Post Office-
Bhabasthi, Port Blair- 744105, working as
Store Assistant in the Industrial Training
Institute, Andaman and Nicobar Administration,
Dollygunj, Port Blair-744105.

...Applicant

-VERSUS-

1. UNION OF INDIA service through the
Secretary, Government of India, Ministry
of Labour and Employment, Shram Shakti
Bhawan, Rafi Mark, New Delhi- 110001.
2. THE LIEUTENANT GOVERNOR,
Andaman & Nicobar Islands, Raj Niwas,
Port Blair-744101 ;

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3. **THE ANDAMAN & NICOBAR**

ADMINISTRATION service through the
Chief Secretary, Andaman & Nicobar
Administration, Secretariat Complex, Port
Blair-744101;

4. **THE CHIEF SECRETARY** Andaman &

Nicobar Administration, Secretariat
Complex; Port Blair-744101;

5. **THE LABOUR COMMISSIONER AND**

DIRECTORATE OF EMPLOYMENT
TRAINING, Andaman & Nicobar
Administration, Industrial Training
Institute, Dollygunj, Port Blair-744103;

6. **THE PRINCIPAL,** Andaman & Nicobar

Administration, Industrial Training
Institute, Dollygunj, Port Blair-744103.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/351/330/2019

Date of Order: 11.03.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Dilip Kumar Shakhari -vs- A&N Admin.

For the Applicant(s): Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel.

For the Respondent(s): Mr. P. K. Das, Counsel

ORDER (ORAL)

A.K Patnaik, Member (I):

Heard Mr. P.C.Das, Ld. Counsel for the applicant, and Mr. P.K.Das, Ld. Counsel appearing for the Official Respondents, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- "a) To pass an appropriate order directing upon the respondent authority to relax the age of the applicant by taking into consideration of the circulars issued by the Andaman and Nicobar Administration dated 19th September, 2011 and 6th June, 2001 being Annexure A-8 and A-9 of this original application and to recommend the case of the applicant for appointment to the post of Vocational Instructor (Refrigeration & AC) and/or recommend his case for appointment to the post of Store Assistant as DET candidate in terms of the recruitment notice dated 21st October, 2018 published in the Daily Telegrams by the office of Labour Commissioner, Andaman and Nicobar Administration, Port Blair and further directed the respondent authority that your applicant can get appointment to the said post who has scored highest marks in the selection process for the said post;
- b) To declare that since your applicant is already working as on contract basis to the post of Store Assistant in terms of the circulars issued by the Andaman and Nicobar Administration dated 19th September, 2011 and 6th June, 2001 being Annexure A-8 and A-9 of this original application, your applicant is entitled for age relaxation and your applicant is also entitled to get appointment as an OBC candidate in terms of the Recruitment Notice dated 21st October, 2018 as because he has scored the highest marks in the said selection process for the said post with all consequential benefits."

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3. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant works as Store Assistant in the Industrial Training Institute, Andaman and Nicobar Administration, Dollygunj, Port Blair, on contract basis. Pursuant to Recruitment Notice dated 21st October, 2018, the applicant applied for the post of Vocational Instructor (Refrigeration & AC). It is submitted by the Ld. Counsel that the applicant appeared for the said examination and secured the highest marks. A merit list was published wherein the applicant's name appeared at Serial 8. However, now the authorities are taking a plea that the applicant is over-aged. Ld. Counsel submits that as per the Circulars issued by the Andaman and Nicobar Administration dated 19th September, 2011 and 6th June, 2001, if any employee is working on contract basis under A&N administration in any department, relaxation of age is permissible when he applies against a regular vacancy.

4. At the outset, Ld. Counsel for the applicant fairly submitted that although the applicant has preferred representations under Annexure-A/10 and A/11 dated 18.12.2018 and 22.02.2019 before Respondent Nos. 5 and 4 respectively, till date no reply has been communicated to him. He further submitted that the grievance of the applicant may be more or less redressed if his representations are considered by Respondent Nos. 5 and 4 within a specific time frame keeping in mind Annexure-A/8 and A/9 Circulars and till then one post may be kept vacant.

5. Mr. P.K.Das, Ld. Counsel for the Official Respondents, vehemently opposed the grant of any interim order by stating that he has received instruction that the selection process is almost complete.




6. Having heard Ld. Counsel for both the parties and after considering the submissions as well as opposition made by Mr. P.K.Das, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 4 and 5 to consider the representations of the applicant under Annexure-A/11 and A/10 respectively, if the same have been filed and are still pending for consideration, keeping in mind the Circulars under Annexure-A/8 and A/9 and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if all the posts have not been filled up then one post, in question, may be kept vacant for a further period of two weeks from the date of communication of outcome of the representations to the applicant. If in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of.
No costs.

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 4 and 5, for which, he undertakes to deposit the cost with the Registry within a week.

9. Copies of this order be handed over to the Ld. Counsel for the parties.


(A.K.Patnaik)
Member(J)