

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 351/ 00329 of 2019 (AN)

IN THE MATTER OF:

E.M. UMMER,

son of Late E.M. Hussain, aged about 55 years, residing at Sahana Function Hall, Kanyapuram, Post Office-Wimberlygunj, South Andaman- 744206, working as Driver (Light Vehicle Driver) in the office of the Directorate of Education under Andaman and Nicobar Administration.

...Applicant

-VERSUS-

1. **UNION OF INDIA** service through the Secretary, Government of India, Ministry of Human Resource Development, Shastri Bhawan, 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 SECRETARY (EDUCATION),
Andaman & Nicobar Administration,
Secretariat, Port Blair-744101;
5. THE DIRECTOR OF EDUCATION,
Andaman & Nicobar Administration VIP
Road, Port Blair-744103;
6. THE ASSISTANT DIRECTOR
(ADMINISTRATION-I), Directorate of
Education, Andaman & Nicobar
Administration, VIP Road, Port Blair-
744103.
7. THE DEPUTY DIRECTOR OF
EDUCATION (PLANNING), Directorate of
Education, Andaman & Nicobar
Administration, VIP Road, Port Blair-
744103.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/351/329/2019

Date of Order: 08.03.2019

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

E.M Ummer -vs- Education

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

For the Respondent(s): Mr. R. Halder, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicant.

2. Mr. R.Halder, Ld. Counsel appearing for Andaman & Nicobar Administration, is present in the Court and Mr. Das has served extra copy of the O.A. on him. Heard Mr. Halder, in extenso.

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

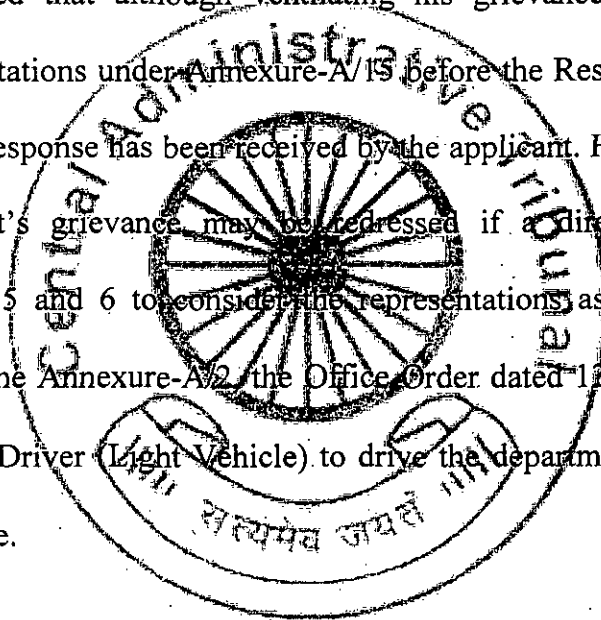
"a) To quash and/or set aside the impugned Transfer order No. 331 dated 18th February, 2019 issued by the Assistant Director (Administration-I) by which your applicant has been transferred from the office of Directorate of Education, Port Blair to Deputy Education Officer, Diglipur as Peon-cum-Chowkidar and not a Driver against which your applicant is discharging duty for decades being Annexure A-14 of this original application which is in violation of the office order dated 13th March, 2002 issued by the respondent authority.

b) To pass an appropriate order directing upon the respondent authority to post your applicant in the office of Directorate of Education, Port Blair in terms of their office order dated 13th March, 2002 as a Driver on regular basis.

c) To declare that the office order dated 18.02.2019 in respect of the transfer of the applicant by lowering down his post from Driver to Peon-cum-Chowkidar is otherwise bad in law and illegal and cannot be sustainable in the eye of law."

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4. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant was appointed initially to the post of PCC/Library Attendant vide office order dated 20th April, 1987, being a good driver, the authorities vide order dated 13th March, 2002 issued an order that he should be discharged of his duty and to be functioned as Driver of light motor to drive departmental vehicle. Suddenly, after discharging his duties as Driver for so many years, a Transfer order No. 331 dated 18th February, 2019 issued by the Assistant Director (Administration-I) by which he has been transferred from the office of Directorate of Education, Port Blair to Deputy Education Officer, Diglipur as Peon-cum-Chowkidar. Ld. Counsel for the applicant submitted that although ventilating his grievance the applicant has preferred representations under Annexure-A/15 before the Respondent Nos. 5 and 6 but till date no response has been received by the applicant. He further submitted that the applicant's grievance may be redressed if a direction is issued to Respondent Nos. 5 and 6 to consider the representations as at Annexure-A/15 keeping in mind the Annexure-A/2, the Office Order dated 13.03.2002, by which he was posted as Driver (Light Vehicle) to drive the departmental Jeep, within a specific time frame.



5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 5 and 6 to consider the representations of the applicant under Annexure-A/15, if the same is still pending consideration, as per rules and regulations in force and while keeping in mind Annexure-A/2, and communicate the result thereof to the applicant in a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. It is made clear that till the representation is considered and result communicated to the applicant, status quo as on date, in respect of the continuance of the applicant in his present place of posting, will be maintained. I

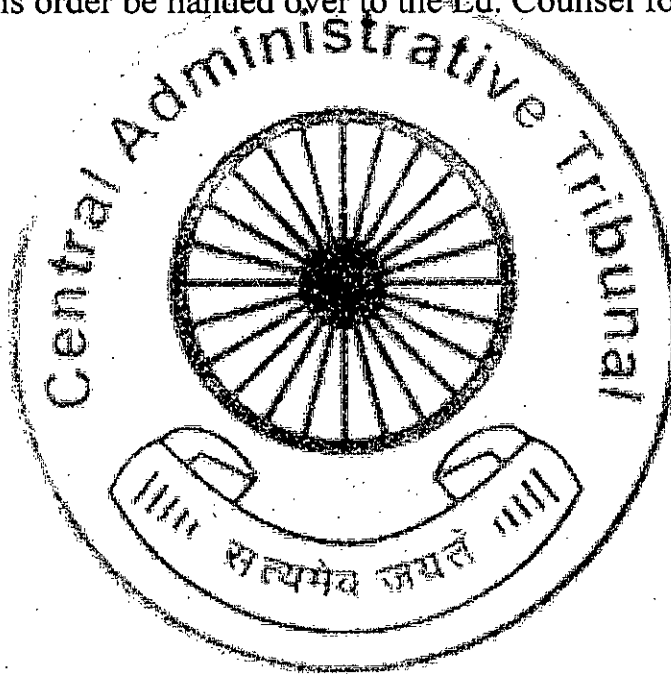
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also make it clear that if in the meantime the said representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 5 and 6, for which, he undertakes to deposit the cost with the Registry within a week.

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



(A.K.Patnaik)
Member(J)

RK/PS