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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 351/1963

of 2018

IN THE MATTER OF:

SHRI K. MADHAVAN,

son of Late K. Krishnan, aged about 42

years, residing at Machi Line, Shadipur,

Port Blair, South Andaman- 744106, and

presently working to post of Laboratory *Assistant/*

Technician on contractual basis for the last

18 years under Project Director, Andaman

& Nicobar AIDS Control Society (ANACS)

and at present posted at G.B. Pant

Hospital, Primary Centre and Community

Centre under the Director of Health

Services, Andaman & Nicobar

Administration, Port Blair;

...Applicant

-Versus-

1. UNION OF INDIA, service through the
Secretary, Ministry of Health & Family
Welfare, Government of India, 'A'

Vall

Wing, Nirman Bhawan, New Delhi-
110011..

2. THE LIEUTENANT GOVERNOR,
Andaman & Nicobar Islands, Raj Niwas,
Port Blair-744101;
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, Port Blair-
744101;
5. THE PRINCIPAL SECRETARY (HEALTH),
Andaman & Nicobar Islands, Andaman
& Nicobar Administration, Port Blair-
744101.
6. THE DIRECTOR, the Directorate Of
Health Services, Andaman & Nicobar

Abd

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Islands, Andaman & Nicobar Administration

Administration, Port Blair

7. THE SECRETARY (Health), office of
Directorate of Health Services,
Andaman & Nicobar Administration,
Port Blair- 744101.

8. THE ASSISTANT DIRECTOR
(ADMINISTRATION), office of
Directorate of Health Services,
Andaman & Nicobar Administration,
Port Blair- 744101.

9. THE PROJECT DIRECTOR, ANDAMAN &
NICOBAR AIDS CONTROL SOCIETY,
GOVT, QUARTER NO. AP/1 0&11,
TYPE - IV, ATLANTA POINT, PORT
BLAIR-744101.

...Respondents.




CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/351/1963/2018 (AN)

Date of Order: 04.01.2019

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

K. MADHAVAN –VS- HEALTH

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

For the Respondent(s): Mr. S. Sen, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

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

Counsel appearing for 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 issue the regular appointment to the post of Laboratory Assistant in favour of the applicant who is a duly qualified and successful candidate of the Health Department of Andaman and Nicobar Administration being Annexure A-3 of this original application and in terms of the office order No. 52 dated 29th February, 2000 being Annexure A-5 of this original application. From the said list, all of eight candidates have got regular appointment by the Andaman and Nicobar Administration, Health Department except the present applicant and for that your applicant has been deprived by not getting the regular appointment with effect from the date when the candidates who's names appeared at serial No. 1 to 8 of the said office order have got the regular appointment to the post of Laboratory Assistant along with all consequential benefits;

b) To declare that the applicant being an eligible and suitable candidate who has been selected and empanelled by 3 Members' Selection Committee which is appearing at Annexure A-3 of this original application is entitled for regular appointment to the post of Laboratory Assistant with effect from the date when the other candidates of the said office order have got the same whose names appeared at serial No. 1 to 8 in the said office order who got the appointment with effect from

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21st November, 2000 being Annexure A-6 of this original application and such appointment has to be given to the applicant with effect from 2002 along with all consequential benefits within a specific period of time.”

3. Brief facts of the case as enumerated by the Ld. Counsel for the applicant is that in pursuance of notification dated 22.02.1988 for the post of Laboratory Assistant, the applicant applied. After a selection process, six candidates were immediately appointed and further panel of 20 candidates were drawn for future vacancies as and when arises, in which the applicant's name finds place at Sl. No. 20 (Annexure-A/3). Subsequently, the applicant, along with eight others, was given contractual appointment during the year 2000. The grievance of the applicant is that although, in the meantime, contractual appointees have been given regular appointment, the applicant has been left out. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation dt. 11.06.2018 (Annexure-A/18) before Respondent No. 6, which is still pending for consideration. He further submitted that grievance of the applicant may be redressed if Respondent No. 6 is directed to consider the said representation within a specific time frame.

4. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 6 to consider the representation dt. 11.06.2018 of the applicant, if the same has been filed and is pending for consideration, keeping in mind Annexure-A/3 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. It is further made clear that till such consideration, one post, in question, may be kept vacant. If after such consideration the applicant is found to be eligible then expeditious steps be taken for regularization of his service within a further period of six weeks from the date

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

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

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 6, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K.Patnaik)
Member(J)

RK/PS

