

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA
CIRCUIT COURT AT PORT BLAIR, A & N ISLANDS

O.A. No.351/00097/2015

Date 01-10-2015

PRESENT :

THE HON'BLE MR JUSTICE G.RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

D.N. BARAIKApplicant
Vs
POLICE (A&N ADMINISTRATION)Respondents

For the applicant : Ms A. S. Zinu, Counsel
For the respondents : Mr S.K.Mondal, Mr S.C..Misra

ORDER (ORAL)

JUSTICE G.RAJASURIA, JM

Heard both at this stage itself. This O.A has been filed seeking the following reliefs :

- e) An order do issue commanding the respondent authorities to consider the case of the applicant for treating the deputation period of the applicant as regular service for the purpose of eligibility for promotion.
- f) An order do issue to grant the benefit of past service to the applicant as it was done with the similarly circumstance persons.
- g) An order do issue commanding the respondent authorities to transmit the records of the case to this Hon'ble Tribunal to do consignable justice to your applicant.
- h) Any other relief(s) that the applicant may be entitled too under the facts and circumstances and/or any other appropriate order/direction as the Hon'ble Tribunal deem fit and proper in the interest of justice.

2. Learned counsel for the applicant would submit that her client was a Constable in Andaman & Nicobar Police service. Thereafter, he was deputed to IRBN in the year 2003 as Head Constable, General Duty. After 5 years of deputation service for one month he was repatriated as per the then service instructions. Then again he continued his deputation in IRBN as a Head Constable, GD. While so he made a representation dated 17.4.2015

as per Annexure A-9 through the Commandant, IRBN, Andaman & Nicobar Islands. However, there was no reply given. The learned counsel would also invite the attention of this court to Annexure A-12 and point out that two other similarly situated Sub Inspector of IRBN were given the benefit of their deputation service for the purpose of they being promoted to the post of Sub Inspector and the concept adopted by the Commandant, IRBN has to be extended to the applicant also. Accordingly she would pray for a direction.

3. Per contra, the learned counsel for the respondents would submit that direction may be given to the respondent authority to give a reply in the form of a speaking order to Annexure A-9 representation dated 17.4.2015. He would also point out that as per recruitment rules pertaining to ASI General Duty, 5 years regular service in the Grade of Head Constable GD is required. If the applicant is having that 5 years regular service he could participate in the promotion test and DPC would consider the same on merit. Hence at this stage, we would like to dispose of the O.A with the following direction :

The respondent authority shall give a detailed order to representation dated 17.4.2015, i.e. Annexure A-9 within a period of one month from the date of receipt of a copy of this order.

4. O.A is disposed of. No costs.

(Ms. Jaya Das Gupta)
Admn. Member

(Justice G. Rajasuria)
Judicial Member