

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

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No.O A.351/487/A&N/2018

Date of order : 21.12.2018

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member**  
**Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member**

Alpana Mondal, daughter of Late Bisweshwar Mondal, aged about 34 years, working as Daily-Rated Mazdoor under Executive Engineer, Construction Division-II, Andaman Public Works Department, Prothrapur, Andaman & Nicobar Administration, and residing at Quarter No.1, Type-5, Carbin Road, Chakkargaon, South Andaman, Pin-744112

**- Versus -**

1. Union of India service through the Secretary, Government of India, Ministry of Urban Development, Nirman Bhawan, C-Wing, Dr. Maulana Azad Road, New Delhi -110011;
2. The Andaman & Nicobar Administration, service through the Chief Secretary, Andaman & Nicobar Administration, Port Blair – 744101;
3. The Chief Engineer, Andaman Public Works Department, Port Blair-744101;
4. The Secretary(PWD), Andaman and Nicobar Administration, Secretariat, Port Blair-744101;
5. The Executive Engineer, Construction Division-II, Andaman Public Works Department, Prothrapur, South Andaman, Port Blair-744101

.....Respondents

For the applicant : Mr. P.C. Das, counsel  
Ms. T. Maity, counsel

For the respondents : Md. Tabraiz, counsel

ORDERBidisha Banerjee, Judicial Member

This O.A. has been filed in order to seek the following reliefs:-

- "a) To quash and/or set aside the impugned Notice dated 16<sup>th</sup> March, 2018 issued by the Executive Engineer, Construction Division No.II, APWD, Prothrapur being Annexur A-6 of this original application;
- b) To quash and/or set aside the impugned Notice dated 26<sup>th</sup> March, 2018 issued by Executive Engineer, Construction Division No.II, APWD, Prothrapur before compliance of the order dated 20.03.2018 passed by this Hon'ble Tribunal being Annexure A-8 of this original application;
- c) To quash and/or set aside the impugned office order No.440 dated 27<sup>th</sup> March, 2018 issued by the Executive Engineer, Construction Division No.II, APWD, Prothrapur being Annexure A-10 of this original application which has been issued without compliance of the order dated 20.03.2018 of this Hon'ble Tribunal and it cannot be sustainable in the eye of law;
- d) To pass an appropriate order directing upon the respondent authority to reinstate your applicant in service to her respective post along with all consequential benefits;
- e) Costs;
- f) Any other relief or reliefs as Your Lordships may deem fit and proper."

2. It transpires from the materials on record that the applicant missed the opportunity given to her to place her case at the time of personal hearing due to which the termination order was issued by the respondent authorities without hearing her.

3. Both the counsel agree that the matter can be disposed of with a direction upon the appropriate authority to give a personal hearing to the applicant to consider her case suitably in accordance with law and pass appropriate orders so as to enable the applicant to place her grievance effectively before the administration.

4. The O.A. is accordingly disposed of with a direction upon the concerned respondent authority to provide another opportunity of hearing to the applicant to enable her to place her case before the authorities upon due notice and to pass appropriate reasoned and speaking order in regard to the revelations at hearing and any documents submitted by the applicant in support of her case and claim, within a period of 3 months from the date of receipt of a copy of this order.

5. The O.A. is accordingly disposed of. No cost.

(Dr.Nandita Chatterjee)  
Administrative Member  
sb

(Bidisha Banerjee)  
Judicial Member