



IN THE COURT OF CENTRAL ADMINISTRATIVE  
TRIBUNAL AT PORT BLAIR

O.A. No. 178/ A&N/2011

**IN THE MATTER OF:**

1. Shri Ranjit Kumar Kerketta, aged about 25 years, S/o Late Pitrus Kerketta, R/o Karmatang No.10, Mayabunder, under Mayabunder Tehsil, North & Middle Andaman.
2. Shri Murugan, aged about 26 years, S/o K. Subramaniam, R/o Tugapur, Rest. Camp village, Mayabunder, North & Middle Andaman.
3. Shri Anand Prabhu, aged about 26 years, S/o K.R. Subramaniam, R/o Tugapur, Rest Camp village, Mayabunder, North & Middle Andaman.
4. Shri S. Murgesh, aged about 24 years, S/o Sonaiah, R/o Pokhadera village, Mayabunder, North & Middle Andaman.
5. Shri Saw Easu, S/o Saw Andrew, R/o Lucknow village, Mayabunder, North & Middle Andaman.

..... Applicants.

-VERSUS -

1. The Union of India  
through Secretary, Ministry of Environment  
and Forests, Paryavaran Bhawan, CGO  
Complex, Lodhi Road, New Delhi -110 003.

2. The Andaman & Nicobar Administration,  
through the Chief Secretary, Andaman &  
Nicobar Administration, Secretariat,  
Port Blair.
3. The Chief Secretary,  
A & N Administration,  
Secretariat, Port Blair.
4. The Principal Chief Conservator of Forests,  
Ex-officio Secretary (Environment &  
Forests), Andaman & Nicobar Islands,  
Vansadan, Port Blair - 744 102,  
Andaman District.
5. The Divisional Forest Officer,  
Mayabunder Forest Division,  
Department of Environment and Forests,  
Andaman & Nicobar Islands.
6. The Divisional Forest Officer,  
Wildlife Division-II, Mayabunder,  
Department of Environment and Forests,  
Andaman & Nicobar Islands.
7. The Divisional Forest Officer,  
Office of the DFO Mayabunder Forest  
Division, Department of Environment and  
Forests, Andaman & Nicobar Islands.
8. Shri Manab Kumar Das,  
S/o Hiralal Das,  
Working as Mazdoor in Department of  
Environment and Forests. *presently posting -  
at Horri Bay Beat, DFO Mayabunder*

9. Shri Robin Biswas,

S/o Niranjana Biswas,

Working as Mazdoor in Department of Environment and Forests. *presently posting at Horni Bay Beat, DFO Mayabunder*

10. Shri Saw Faderick,

S/o Late Saw Calvin,

Working as Mazdoor in Department of Environment and Forests. *Tugapur Range Office DFO Mayabunder*

11. Shri Tarcious Indwar,

S/o Emil Indwar,

Working as Mazdoor in Department of Environment and Forests. *Tugapur Range Office DFO Mayabunder*

12. Shri Pratap Ch. Biswas,

S/o P.K. Biswas,

Working as Mazdoor in Department of Environment and Forests. *Tugapur Range Office DFO Mayabunder*

13. Shri K. Keswar Rao,

S/o K. Chinna Swamy,

Working as Mazdoor ~~in~~ ~~Working as~~ ~~Mazdoor~~ in Department of Environment and Forests, Tugapur. *Range Office, DFO Mayabunder*

14. Shri C. Kumaresan,

S/o Chinnaiah,

Working as Mazdoor in Department of Environment and Forests, Tugapur. *Range Office DFO Mayabunder*

15. Shri Ashok Johnson Lakra,

S/o Amartus Lakra,

Working as Mazdoor in Department of Environment and Forests, Tugapur. *Range Office DFO Mayabunder*

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16. Smti Manjula,

W/o S. Paneer Selvam,

Working as Mazdoor in Department of  
Environment and Forests, Tugapur.

17. Smti Sushma Mazumder,

W/o Shri Biren Mazumder,

Working as Mazdoor in Department of  
Environment and Forests, Tugapur.

18. Shri Banamali Das,

S/o Late Sukumar Das,

Working as Mazdoor in Department of  
Environment and Forests, Tugapur.

19. Shri G. Rajeswar Rao,

S/o G. Appanna,

Working as Mazdoor in Department of  
Environment and Forests, Tugapur.

..... Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA**

O.A. 351/178/ 2011

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

1. Shri Ranjit Kumar Kerketta & Ors.

..... Applicants.

Versus

1. The Union of India & Ors.

..... Respondents.

For the applicant

Mr. P.C. Das, Counsel

For the respondents

Mr. S.K. Ghosh, Counsel

Reserved on : 10.07.2019

Date of Order : 20.8.19.

**ORDER**

**Per : Bidisha Banerjee, Judicial Member**

The O.A. was reheard on remand.

2. 5 applicants have impleaded 12 private respondents to challenge their appointment orders.

The reliefs sought for in this O.A. are as under:

*"8.a. Leave be granted to move the application jointly under rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.*

*b. An order / orders quashing the select list and waiting list prepared by the respondent authorities for Wildlife Division, Mayabunder.*

c. An order / orders quashing the appointment of the private respondent i.e. K. Keswar Rao, C. Kumaresan, Ashok Johnson Lakra, P. Manjula, T. Gurumurthy, Miss. Sushma Mazumdar, Banamali Das, Manab Kumar Das, Robin Biswas, Saw Frederick, Tarcious Indwar and Pratap Ch. Biswas.

d. An order / orders directing the respondent authorities to follow the select list dated 10<sup>th</sup> October 2007 to appoint those 12 vacancies against which the private respondents have been appointed or in the alternative a fresh selection be undertaken to fill up the vacancy of Mazdoor.

e. An order / orders directing the respondent authorities to grant all the consequential and monitory benefits to the applicants including arrears of the salary and seniority.

f. An order directing the respondent authorities to act in accordance with law.

g. An Order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done.

h. Such other or further order direction or directions, as Your Lordships deem fit and proper in the interest of Justice."

3. The applicants have alleged as under:

"(i). That the advertisement and the select list published by the authorities in the newspaper was in regard to selection for the post of Mazdoor in Mayabunder Forest Division. There was no mention of selection for the post of Mazdoor in Wildlife Division. Very cleverly the authorities selection the candates as per their choice by dividing the Mayabunder Division which was not permissible.

(ii) As, selection was done for the post of Mazdoor in Mayabunder Forest Division, they have urged that the authorities could not appoint candidates appearing in the select list of Wildlife Division."

4. The respondents have categorically denied the allegations and submitted the following:

" That the Divisional Forest Officer, Mayabunder Division published an Employment Notice dated 20.09.2006, (Annexure R-1) for filling up 118 posts of Mazdoor (with a stimulation that the number may increase or decrease) by inviting applications in the prescribed format from eligible candidate belonging to Scheduled Tribes (ST), Other Backward Classes (OBC) of Andaman and Nicobar Islands and General Category, possessing the requisite qualifications. The number of posts to be filled in (which may

increase or decrease) was tentatively fixed as General-63, ST-10 and OBC-45 of A & N Islands. The crucial date of determining the age limit was 26.10.2006 and the age relaxation for ST, OBC and Departmental Candidates was to be considered as per the orders/instructions of the Govt. of India. The selected candidates had to work in any part of Andaman and Nicobar Islands as per the orders and directions.

The Principal Chief Conservator of Forests (PCCF), Andaman and Nicobar Islands vide PCCF letter no. F. 13(E)/28/1787 dated 01.02.2007 (R-2) informed that 24 posts of mazdoors advertised under Divisional Forest Officer, Mayabunder Forest Division attracted ban and directed such 24 posts to be not filled up till the revival order of the competent authority was received.

The Principal Chief Conservator of Forests, Andaman and Nicobar Islands Port Blair being the Head of the Department, further vide letter dated 19.3.2007 (R-9) directed the Divisional Forest Officer of Mayabunder Forest Division and Diglipur Forest Division to entertain the applications up to 30.03.2007 of Daily Rated Mazdoors and Temporary Status Mazdoors working in the department continuously for so many years to give them an opportunity to apply.

The Daily Rated Mazdoor and Temporary Status Mazdoor working under the Divisional Forest officer, (Wildlife Division) Mayabudner also applied for the post of Mazdoor on the vacancy notice published in The Daily Telegram dated 20.09.2006 (R-4) and the same was forwarded to the Divisional Forest Officer, Mayabunder Division.

The list furnished is as under:

"To  
The Divisional Forest Officer,  
Mayabunder.

Sub: - Sending of applications received from the TSMs & DRMs (240 days crossed) of this division for the appointment against notified vacancies of regular mazdoor – reg.

Ref: - P.C.C.F's letter No.F.14(E)/ 16/2022 dated 19.03.07

Madam,

With reference to PCCF's letter No. F.14(E)/16/2022 dated 10.03.07 I am forwarding herewith the applications for the post of Mazdoors in respect of the following TSMs & DRMs 240 days crossed) of Wildlife Division Mayabunder for further necessary action at your end.

A. List of TSMs

Sl No	Name	Fathers Name
1	Shri Cyril Lakra	S/o Suleman Lakra
2	Shri Mansai Ram	S/o Pandesia Ram

3	Smti Zubeida	W/o Abdul Sadique
4	Shri Kisun Ram	S/o Parha Ram
5	Shri G. Rajeswar Rao	S/o Appanna
6	Shri James Kullu	S/o Stephan Kullu
7	Shri Ashok J. Lakra	S/o Amrurus Lakra
8	Shri Christ Nilan Topno	S/o Joseph Topno
9	Shri Hemanta Das	S/o Sarad Das
10	Shri Raj Kumar	S/o Mohan Raj
11	Shri Petrus Nag	S/o Nabin Nag
12	Shri Bardhan Toppo	S/o Pawal Toppo
13	Smti. Manjla	D/o Subramani
14	Shri Y Bhogi Raju	S/o Y. Narayanan

B. List of DRMs (crossed 240 days) continuous service

Sl No	Name	Fathers Name
1	Shri Praful Tirkey	S/o late Alvis Tirkey
2	Shri Chandeswar Minj	S/o late Somra Chappa
3	Smti Mangrina Katchap	W/o late Sohan Katchop
4	Shri Rashmaya	S/o Gour Mohan Biswas
5	Shri Polouse Toppo	S/o late Gobrial Toppo

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The Divisional Forest Officer (Wildlife Division), Mayabunder requested the Chairman, Departmental Promotion Committee, Mayabunder Forest Division, Mayabunder to forward a select list of three candidates and wait list of three candidates of which two may be from OBC-list from the candidates who appeared, for the recruitment of Mazdoor for Mayabunder Forest Division for appointment as Regular Mazdoor, vide letter No. WL-2/L-1/1703 (a) dated 30.03.2007 (R-5).

The requisition made by the Divisional Forest Officer (Wildlife Division), Mayabunder for selection of candidates for filling up of three vacancies in his Division was to avoid repetition of recruitment process, as bot the Divisions i.e. Mayabunder Forest Division and Wildlife Mayabunder Division have the same headquarter at Mayabunder in which recruitment for the post of mazdoors was already in process. The vacancy under the Wildlife Division was also very less.

The Chairman, Divisional Promotion Committee, Mayabunder Division, after conducting the physical endurance test and interview prepared a select list/wait list for Mayabunder Forest Division and select list/ wait list for Wildlife Division-II, Mayabunder and submitted the same to Divisional Forest Officer, Mayabunder Division and Division Forest Officer, Wildlife Division-II, Mayabunder vide letter No. DPC/MB/2007/2009 dated 03.10.2007 (R-6).

The vacancy notice was published for filling up 118 vacant posts of mazdoor, but late on the PCCF informed that the 24 posts of mazdoor in Mayabunder Division attracted ban and could be filled up. Subsequently, 04 vacancies arose after publication of the vacancy notice. Accordingly, the



Departmental Promotion Committee furnished the select list of 98 (118-24=94+4=98) candidates (55 General, 37 OBC AND 6 ST) and waiting list of 27 candidates (21 General and 6 OBC) FOR Mayabunder Forest Division.

Out of the 27 waiting list candidates, 21 candidates whose names appeared in the waiting list from Sl. No. 1 to 21 were from General Category and 6 candidates, whose names appeared from Sl. No. 22 to 27 in the waiting list were from OBC category. A wait list of 21 candidates from General category were drawn in which the name of Shri. Tarcious Indwar figured at Sl. No. 1 and Shri Ranjeet Kumar Kerketta, the applicant No. 1 herein appeared at Sl. No. 21 which is the last position in the merit of General Category in the waiting list. In the waiting list of OBC category the name of Shri. Saw Fadrick appeared at Sl. No. 22 which is the 1<sup>st</sup> position in the merit of OBC Category in waiting list.

A select list of 98 candidates were drawnup for Mayabunder Division of which the candidates of 20 candidates in the select who were already working as Daily Rated Mazdoors (240 days continuous) and Temporary States Mazdoors in the Department were quoted age relaxation by the competent authority.

As under Article 51 of Civil Service Regulation (CSR), the Principal Chief Conservator of Forests, the Head of the Department has been vested with the power to grant relaxation in age limit to the mazdoors in accordance with the age concession granted by Govt. of India to certain categories of persons vide Dept. of Personnel and Administrative Reforms Notification No. 2/101/72 Estt. (D) dated 07.03.1974 (R-7).

Out of the 20 candidates in the select list of Mayabunder Forest Division the cases of 19 selected candidates who were working as Daily Rated mazdoors (240 continuous service) and Temporary Status Mazdoors under the department, were recommended for age relaxation vide office letters No. NLE/28/2774 dated 13.11.2007 and No. NLE/28/DPF/773/665 dated 04.08.2009 to the competent Authority. Accordingly, age relaxation was granted to them vide the PCCF Office orders No. NLE/1356 dated 10.12.2007 and No. E/910 dated 09.09.2009 as per orders/instruction of Govt. of India (R-8).

Of the 20 candidates in the select list of Mayabunder Forest Division the case of one selected candidate Shri. Birse Kujur at Sl. No. 14 of the select list was not sent for age relaxation since the Department on further examination of the documents found that he was within the age limits prescribed in the recruitment rules.

A select list of 03 candidates were drawn for Wildlife Division-II, Mayabunder of which the candidature of those, who were working as Daily Rated Mazdoors (240 days continuous) and Temporary Status Mazdoors working in the department) were to be considered for appointment provided age relaxation, was granted by the competent authority and accordingly the age relaxation was obtained.

Thus 98 candidates of Mayabunder Forest Division and 03 candidates of Wildlife Division-II, Mayabunder in the Select List were asked to submit

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their willingness for appointment to the post of Mazdoor. Out of 98 candidates, 95 candidates (55 General, 36 OBC and 4 ST) submitted their willingness and were given appointment vide office order No. LS/148 dated 01.11.2007 and in Wildlife Division-II, Mayabunder all the three candidates were given appointment vide office order No. L/479 dated 15.11.2007.

The name of Shri Banamali Das appeared in the wait list for Wildlife Division-II, Mayabunder prepared by the Chairman, Departmental Promotion Committee (DPC). His appointment in the Mayabunder Wildlife Division is within the provisions of Recruitment Rules. It is submitted that the names of the private Respondents appointed as such, appearing in the select list and the wait list of Mayabunder Forest Division and Wildlife Division-II Mayabunder of Department of Environment and Forest. The five candidates namely S/Shri. Tarcious Indwar, Manab Kumar Das (General category) and S/Shri Saw Fadrick, Robin Biswas and Pratap Chandra Biswas (OBC Category) were appointed from the waiting list as per their merit in the waiting list and as per the vacancy available under General and OBC category. No candidates were appointed from outside. All candidates appointed were either are from the select list or the waiting list, except two candidates who were appointed on compassionate ground as per the approval of PCCF letter No. 20(E)/26/Vol.XIX/874 dated 24.08.2009 and No. F.20(E)/26/XIX/578 dated 07.07.2009. Thus, the appointment of the two candidates was not connected with the recruitment process under challenge in the O.A.

Shri G. Rajeshwar Rao, Temporary Status mazdoor was placed at Sl. No. 19 of the Wait listed candidate under General Category of Mayabunder Forest Division. But, by virtue of his being Temporary Status Mazdoor, he was appointed in the regular post of mazdoor against the vacancy created in the Wildlife Division under the Temporary Status Scheme (Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993) and necessary age relaxation was requested for vide letter No.WL-2/L-5/1411 dated 08.10.2007 and the PCCF granted the age relaxation vide Office Order No. E/1220 dated 01.11.2007 (R-11). Thus, it had be averred that his appointment to the post of mazdoor was not connected with the recruitment process under challenge in the instant O.A.

The respondents have further averred that the reservation percentage of 38% for OBC category was not exceeded. After filling up the vacant posts of Mazdoor in the year 2007, (1) vacant post of Mazdoor was available under OBC category but only 36 posts were filled up. Further an OBC candidate submitted his technical resignation on 07.07.2008. And subsequently (3) three vacancies arose and out of which (2) two vacancies were allocated for General category and (1) one was reserved for OBC category as per the percentage of reservation. Thus, the respondents have not exceeded the limit of reservation at any time.

The respondents have contended that the names of the applicants 01 to 05 were not in the select list, but in the waitlist prepared for Mayabunder Forest Division. In the list of Wildlife Division Mayabunder-three names appeared in the select list and four names (2 General and 2 OBC) in the wait list.

It is further submitted by respondents that after filling up the vacant posts of Mazdoors in the year 2007 in Mayabunder Forest Division, (1) one post of mazdoor remained vacant under OBC category as there were 37 vacancies under OBC category but only 36 posts were filled up. Further an OBC candidate submitted his technical resignation on 07.07.2008. And subsequently (3) three vacancies arose and out of which (2) two vacancies were allocated for General category and (1) one was reserved for OBC category as per the percentage of reservation. The five candidates namely S/Shri Tarcious Indwar, Manab Kumar Das (General category) and S/Shri Saw Fadrick, Robin Biswas and Pratap Chandra Biswas (OBC Category) were appointed from the waiting list as per their merit in the waiting list and as per the vacancy available under general and OBC category.

Further in Wildlife Division, Mayabudner one vacancy of mazdoor arose during November, 2007 against which Miss P. Manjula, the candidate no 1 in the wait list was appointed vide DFO, Wildlife Mayabunder Office Order No. L/575 dated 20.12.2007. Subsequently 2 vacancies arose during March 2008 against which Miss Sushma Mazumdar and Shri Banamali Das the candidate at Srl. No. 3 and 4 under OBC category in the wait list were appointed vide Office Order no L/142 dated 29.05.2008. Shri T. Gurumurthy, the candidate No. 2 in the waitlist was also appointed vide Office Order No. L/216 dated 09.11.2010 against the vacancy in compliance of the Hon'ble CAT, Calcutta order dated 09.09.2010 in O.A. No. 38/AN/2010 (Shri T. Gurumurthy -Vs- UOI & Ors. (R-13).

In regard to Shri G. Rajeswar Rao the respondents have averred that he as a Temporary Status mazdoor had also appeared in the selection process and he was placed at Sl. No. 19 of the Wait listed candidate under General Category of Mayabunder Forest Division. But, by virtue of his being Temporary Status Mazdoor, he was appointed in the regular post of mazdoor against the vacancy created in the Wildlife Division under the Temporary Status Scheme (Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993) vide Divisional Forest Officer, Wildlife Division, Mayabunder office Order No. L/478 dated 15.11.2007."

5. This Tribunal in its order dated 23.02.2015 found as follows:

" The applicant No. 2 namely Murugan found place against Sl. No. 3 of waitlisted "General" candidate. Similarly applicant No. 1, 3 & 4 were enlisted at Sl. Nos. 21, 8 & 7 as waitlisted "General" whereas applicant No. 5 was enlisted at Sl. No. 27 i.e., below Saw Fedrick (22), Robin Biswas (23), Pratap Chandra Bisws (24) as waitlisted OBC candidates who were selected.

Manab Kumar Das, Tarcious Indwar were waitlisted General Caste candidates figuring above Murugan, S. Murgesh, Anand Prabhu, Ranjit Kumar Kerketta and Saw Easu.

Since no other General Category vacancies were available to accommodate them and applicant No. 5 Saw Easu was the last OBC waitlisted candidate, they were not selected.

The Employment notice dated 20.9.2006, was floated to fill up 118 posts of Mazdoor in Mayabunder Forest Division. Select list has been published separately for 98 posts of Mayabunder Division and three for wildlife Division-II Mayabunder, since out of 118 posts advertised, 24 posts were under ban and 4 vacancies arise, thus 98 (94+4) posts were available under Mayabunder Division, all of which has been filled up. It is not the case of the applicants that they have been superceded by less meritorious candidates. The respondents had already indicated in their notification that the posts may increase or decrease."

6. The order, dated 23.02.2015 was assailed before the Hon'ble High Court.

Hon'ble High Court in its order observed as under:

" The writ petitioners approached the learned Tribunal on the grounds, inter alia, that by virtue of employment notice dated September 20, 2016 applications were not invited from the eligible candidates to fill up the post of Mazdoors in Wildlife Division No. II, Mayabunder. The authorities appointed three candidates from a list of selected candidates and also from a list of wait listed candidates without publishing any advertisement inviting applications from eligible candidates for those posts as also without publishing the select list and wait list thereafter. It was also the case of petitioners before the learned Tribunal that name of one Mr. G.R. Rao (the respondent No.19) was not appearing in the merit list furnished by the Administration before the Court. It was argued before the learned Tribunal that age relaxations were given to some of the candidates violating the provisions of sub-rule (6) of Rule 242 of the Recruitment Rules.

We do not find any finding of the learned Tribunal with regard to the aforesaid grounds for challenge."

And finally ordered as under:

"In view of the aforesaid settled principles of law, we are not in a position at this stage to decide the aforesaid issues raised before the learned Tribunal as a Court of first instance. Only option left for us is to remand the matter back to the learned Tribunal once again for deciding the aforesaid issues on merit.

In view of the above, the impugned judgement is quashed and set aside on the ground of not deciding the aforesaid issues on merit expeditiously and preferably within three months from the date of communication of this order."

7. In order to find out afresh whether selection of Private respondent, and (identical persons) made in 2007, was in order proper, we considered the matter threadbare and noted as under:

(i) The select list of 98 candidates for Mayabunder Division was the following:

**"SELECT LIST FOR MAYABUNDER DIVISION"**

S.No.	Roll No.	Name of the Candidates	Category	REMARKS
1	3790	Jai Prakash	General	Subject to age relaxation by the competent Authority
2	3402	Mohan Rao	General	Nil
3	2483	A Ganeshan	General	Subject to age relaxation by the competent Authority
4	48	K. Kumarswamy	General	Nil
5	2287	Dhansit Ram	General	Subject to age relaxation by the competent Authority
6	185	D. Laxmi Pathi	General	Nil
7	1992	L. Simachalam	General	Nil
8	3780	Ramesh Kumar Shinha	General	Nil
9	3786	Zakarius Minj	General	Subject to age relaxation by the competent Authority
10	3791	Naren Halder	General	Subject to age relaxation by the competent Authority
11	3784	S. Ganeshan	General	Subject to age relaxation by the competent Authority
12	4024	D.R. Ramaiah	General	Subject to age relaxation by the competent Authority
13	3788	Jagnarayan Baraik	General	Nil
14	3785	Birse Kujur	General	Subject to age relaxation by the

				competent Authority
15	2548	Binumon K.L	General	Nil
16	2165	Pardesi Ram	General	Nil
17	348	Joseph Kongari	General	Subject to age relaxation by the competent Authority
18	3787	Mangal Ram	General	Subject to age relaxation by the competent Authority
19	2474	Shri. P. Muthu	General	Subject to age relaxation by the competent Authority
20	1243	B. Dina Bandu	General	Nil
21	4021	Chandaiah	General	Subject to age relaxation by the competent Authority
22	178	Battini Umasankar	General	Nil
23	3789	Matilda Kerketta	General	Subject to age relaxation by the competent Authority
24	3285	G. Madhav Rao	General	Nil
25	2502	Shri M. Muruganatham	General	Nil
26	1763	V. Kurma Rao	General	Nil
27	1926	Shri D. Chandrashekhar	General	Nil
28	3083	G. Sumesh Rao	General	Nil
29	997	Tarani Lakra	General	Nil
30	1639	Phool Chand Baraik	General	Nil
31	594	B. Bairagi	General	Nil
32	3812	Vijay Kerketta	General	Subject to age relaxation by the competent Authority
33	3406	D. Dhasarathi	General	Nil
34	3935	Kishun Ram	General	Subject to age relaxation by the competent Authority
35	566	Naman Promod Xaxa	General	Nil
36	149	T. Mohan Rao	General	Nil
37	3805	Boomi Raj	General	Nil
38	2916	V. Hema Sunder Rao	General	Nil
39	1474	Ranjit Roy	General	Nil
40	1324	Alock Chandro Howlader	General	Nil

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41	2606	Shri. R. Muregesh	General	Nil
42	687	Sunder Ram	General	Nil
43	3983	M. Krishna Murthy	General	Subject to age relaxation by the competent Authority
44	3804	Devnis Tirkey	General	Subject to age relaxation by the competent Authority
45	2266	CH. Satyanarayana	General	Nil
46	2946	T. Purusottam	General	Nil
47	1145	T. Sudharshan Rao	General	Nil
48	280	C. Vadivelan	General	Nil
49	3808	Roya Mahto	General	Subject to age relaxation by the competent Authority
50	512	Anand Kumar Topno	General	Nil
51	3811	Srinus Bhagwar	General	Nil
52	3937	James Kullu	General	Subject to age relaxation by the competent Authority
53	2552	Shri Sailen Sikder	General	Nil
54	3992	Niral Guria	General	Nil
55	3778	P. Vasu Dev	General	Nil
56	1797	Saw Kaybow	OBC	Nil
57	1836	Shri Paul Pee	OBC	Nil
58	3968	Zubaida Bibi	OBC	Nil
59	3821	Nitya Das	OBC	Nil
60	20	Dilip Bata	OBC	Nil
61	1328	Barun Mondal	OBC	Nil
62	37	Harekrishna	OBC	Nil
63	2420	Shri Hari Mohan Das	OBC	Nil
64	4023	Laxmi Roy	OBC	Nil
65	2443	Shri K.P. Abdul Safik	OBC	Nil
66	298	Tarak Samadder	OBC	Nil
67	2167	Kumar Jayrit	OBC	Nil
68	3807	Rita Dhali	OBC	Nil
69	2770	P. Nazar	OBC	Nil
70	751	T. Salim	OBC	Nil
71	386	A.Mohammed Rafique	OBC	Nil
72	95	Peter Pee	OBC	Nil
73	2285	Shanti Devi	OBC	Nil
74	765	Saw Samson	OBC	Nil
75	963	Shahin Siraj	OBC	Nil
76	32	Satdal Roy	OBC	Nil
77	2477	Thaisa	OBC	Nil

78	163	Jaffeny Jankey	OBC	Nil
79	1615	Tresa Kullu	OBC	Nil
80	793	Saw Jacklon	OBC	Nil
81	2532	Santosh Sukumaran	OBC	Nil
82	6	Tapash Kr. Mondal	OBC	Nil
83	161	Sheena Runda	OBC	Nil
84	2178	Nikhil Singh	OBC	Nil
85	104	Asad Ali	OBC	Nil
86	403	Mohan Kumar	OBC	Nil
87	2398	Shir Ashutosh Mondal	OBC	Nil
88	1397	Saw Lethu	OBC	Nil
89	2980	Jayant Mandal	OBC	Nil
90	2249	Pyare Lall	OBC	Nil
91	68	Johnus Kanai	OBC	Nil
92	539	Gosta Pada Mondal	OBC	Nil
93	3476	Emmanuel	ST	Nil
94	3623	Jerome	ST	Nil
95	2096	Shri. Jonah	ST	Nil
96	2220	Raphael	ST	Nil
97	1649	Domonic	ST	Nil
98	1650	Shri Nicolas	ST	Nil

(ii) The wait list of 27 candidates for "Maybunder Division" contained the following names:

**"WAIT LIST FOR MAYABUNDER DIVISION"**

1	3.....8	Tarcious Indwar	General	Nil
2	857	Manab Kumar Das	General	Nil
3	262	Murugan *	General	Nil
4	3815	A Panchvarnam	General	Nil
5	1801	Shri C.H Vaman Rao	General	Nil
6	3806	K Murugesan	General	Subject to age relaxation by the competent authority
7	2015	Shri S. Murgesh	General	Nil
8	1772	Anand Prabh *	General	Nil
9	3021	Vadivelu	General	Nil
10	487	K. Nagarajan	General	Nil
11	3836	Prabhat Katchwa	General	Subject to age relaxation by the competent Authority
12	3984	CH Raja Rao	General	Nil
13	3496	D. Papa Rao	General	Nil
14	3813	R Kanagasabapathi	General	Nil
15	3814	V. Kaliammel	General	Nil
16	2077	Shri Jaideep Soymurum	General	Nil



17	2394	Shri Thomas Dung Dung	General	Subject to age relaxation by the competent Authority
18	2591	Shri G. Ranga Rao	General	Nil
19	3936	G. Rajeshwar Rao	General	Subject to age relaxation by the competent Authority
20	53	B. Babu	General	Nil
21	879	Ranjeet Kumar Kerketta	General	Nil
22	859	Saw Fadrick	OBC	Nil
23	302	Robin Biswas	OBC	Nil
24	3865	Pratap Ch. Biswas	OBC	Nil
25	760	M. Khalid	OBC	Nil
26	1312	Saw Paul	OBC	Nil
27	522	Saw Easu	OBC	Nil

Both G. Rajeshwar Rao as well as Korketta figured as General Caste candidate while Saw Federick (Respondent No. 10), Robin Biswas (Respondent No. 9) Pratap Ch. Biswas (Respondent No. 12) figured as 'OBC' candidates 31 OBC candidates were available from Main List (Srl. Nos. 56 – 92 of Main List) The total number of OBC vacancies notified were 45. The number of OBC candidates who figured in main list was 37 therefore five more OBC from wait list could be accommodated. 36 submitted their willingness and were appointed on 1.11.07.

(iii) The Select List for wild life Division II Mayabunder was as under:

***"SELECT LIST FOR WILDLIFE DIVISION – II MAYABUNDER***

1	2402	Shri K. Keswar Rao	General	Nil
2	2479	Shri C. Kumaresan	General	Subject to age relaxation by the competent Authority
3	3938	Ashok Johnson Lakra	General	Subject to age relaxation by the competent Authority

These incumbents have been impleaded as Respondents 13, 14, 15 in the

O.A.

(iv) Wait List for wildlife Division II Mayabunder was as follows:

**" WAIT LIST FOR WILDLIFE DIVISION – II MAYABUNDER**

1	3944	P Manjula	General	Nil
2	1661	T. Guru Murthy	General	Nil
3	1924	Miss Sushma Mazumdar	OBC	Nil
4	29	Banamali Das	OBC	Nil

These wait listed candidates have been impleaded as Respondents 16, 17, 18, 19 in the O.A.

Out of such waitlisted Sushma Mazumdar and Banamali <sup>d #</sup> was figure<sub>4</sub> as OBC and were adjusted against balance OBC vacancies.

8. Applicant Ranjit Kerketta (Srl. No. 210 of waitlist) is a General Caste candidate from Mayabunder Wait List. Therefore he cannot have a quarrel with the OBCs or pray accommodation against vacancies meant for OBC.

Similar is the case of Murugan, Anand Prabhu and S. Muruyarh. Therefore, they have no case.

Saw Easu is an OBC but figures as last candidate in waitlist of Mayabunder.

9. In regard to preparation of a separate list for Mayabunder Forest Division, we note that available vacancies of 3 for forest Division was separately maintained to absorb the eligible TSM/DRMs of Forest division. The applicants who figured as waitlisted candidates of Mayabunder Division should not have quarrel with them as the DRMS of Forest Division. A large number of such DRMs, <sup>B</sup> they were allowed to apply directly to concerned DFO before 30.3.07, vide 19.3.07

letter of Dy. Conservator of Forests (HQ), office of PCCF, A & N Islands (R-3) and their list was maintained separately.

The letter dt. 19.3.07 reads as under:

"To

The President,

All India Central Council of Trade Union (AICCTU),

Andaman & Nicobar State Committee,

Prem Nagar

Sub:- Acceptance of applications of DRMs/ TSMs of the department against notified vacancies of regular mazdoors – regarding.

Sir,

*It appears that many TSMs and DRMs, who have served for many years of continuous service in various divisions particularly in Baratang Division, Mill Division, Wildlife Division-I, Port Blair, Wildlife Division, Mayabunder and Silviculture Division and are presently in roll, have not applied against the notified vacancies in other divisions in particular Diglipur Division and Mayabunder Division, where number of vacancies notified are more as compared to other divisions. Earlier also you were requested vide this office letter No.F. 16(E)/41/1926 dated 22.2.2007 to furnish the list of DRMs (240 days crossed) by 26.2.2007, whose applications were not accepted by the divisions as alleged by you but no list of such applicants has been submitted by you so far.*

*Therefore, I am directed to inform you that TSMs/ DRMs of other divisions, mainly of Mill Division, Baratang Divisions, Silviculture Division, Wildlife Divisions, Haddo and Mayabunder, where a large number of DRMs (240 days crossed) are working for many years, but the vacancies are comparatively less, are given last opportunity to apply in other divisions mainly Diglipur Division and Mayabunder Division directly to DFO concerned, before 30.3.2007 positively, where the recruitment process is yet to be completed and they may please be advised suitably in the matter. After this no opportunity will be given to the DRMs and TSMs for applying and participating in the recruitment process going on for the posts of mazdoors in other divisions.*

Yours faithfully,

Sd/-

(R.S. Sinha)

Deputy Conservator of Forests

(Headquarters)"

10. Pursuant thereto, on 28.3.07, Asst. Conservator of Forest (ACF in short) wildlife Division Mayabunder forwarded a list of 14 TSMs and 5 DRMs. G.

Rajeshwar Rao, figured at Srl. No. 5 of the said list. While Manjula at Srl. No. 13 being a serving TSM he was rightly accorded age relaxation in terms of the policy of the LG. A & N Islands.

11. On 30.3.07 the ACF wildlife Division Mayabunder forwarded a select list of three candidates and wait list of 3 out of which 2 were from OBC.

The said incumbents were adjusted against vacancies of wildlife Division II, even with lesser marks, as they belonged to the said Division while Rajeshwar Rao was included in waitlist of Mayabuner and adjusted against General category post on the basis of his merit.

12. Since the allegations as put forth have been successfully met by the respondents, we feel no reason to interfere with the selection. Accordingly O.A. is dismissed.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

drh