

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, CIRCUIT AT PORT BLAIR

O.A.NO. 26 A&N OF 2016

IN THE MATTER OF:

An application under section 19 of the Central
Administrative Tribunal Act, 1985.

-And-

IN THE MATTER OF:

1. Mr. T.J.Kuriakose,
working as Tally Clerk,
Port Management Board,
Port Blair, residing at Dudhline Village,
Shadipur P.O. Port Blair, South Andaman District.

2. Mr. R.K.Das ,
working as Tally Clerk,
Port Management Board,
Port Blair, residing at Prem Nagar,
Port Blair, South Andaman District.

3. Mr. Punai Xalxo,
Working as Wharf Superintendent
Port Management Board, Port Blair,
residing at Ranchi Basti, Lamba Line,
Port Blair, South Andaman District.

4. Mr. Abdul Mazeed,
working as Gate Keeper,
Port Management Board,
Port Blair, residing at Bamboo Flat,
Port Blair, South Andaman District.

5. Mr. B. Chitti Babu,
working as Gate Keeper,
Port Management Board,
Port Blair, residing at Attam Pahad, Port Blair, South
Andaman District.

6. Mr. Raja Padmakar Rao,
working as Tally Clerk,
Port Management Board, Port Blair,
residing of South Point, Port Blair,
South Andaman District.

7. Mr. P. Anand Rao,
working as Tally Clerk,
Port Management Board, Port Blair,
residing of Haddo, Port Blair,
South Andaman District.

8. Mr. B. Chiranjeevulu,
working as Tally Clerk,
Port Management Board,
Port Blair, resident of Dairy Farm,
Port Blair, South Andaman District.

9. Mr. Rajiv Lall,
working as Assistant Shed Master,
Port Management Board, Port Blair,
resident of Middle Point, Port Blair,
South Andaman District.

10. Mr. Tahir Ali,
working as Tally Clerk,
Port Management Board,
Port Blair, resident of Anarkali Village,
Port Blair, South Andaman District.

11. Mr. J.K. Hawladar,
working as MTS, Port Management Board,
Port Blair, resident of Garacharama,
Port Blair, South Andaman District.

12. Mr. Abdul Rehman,
working as Tally Clerk,
Port Management Board, Port Blair,
resident of Dignabad, Port Blair,
South Andaman District.

13. Mr. V. Venkateshwarlu,
working as Tally Clerk,
Port Management Board,
Port Blair, resident of Haddo, Port Blair, South
Andaman District.

14. Mr. Tapan Kumar Deb,
working as Tally Clerk,
Port Management Board, Port Blair,
resident of Mazar Pahar, Port Blair,
South Andaman District.

15. Mr. M.Nagraj,
working as Weigh Bridge Operator,
Port Management Board, Port Blair, resident of
Buniyadabad, Port Blair, South Andaman District.

16. Mr. Lawrence, working as Assistant Shed Master, Port
Management Board, Port Blair, resident of Anarkali
Basti, Port Blair, South Andaman District.

17. Mr. D. Murthy, working as MTS Port Management
Board, Port Blair, resident of Prem Nagar, Port Blair,
South Andaman District.

18. Mr. Ibrar Buksh, working as Assistant Shed Master,
Port Management Board, Port Blair, resident of
Pahargaon, Port Blair, South Andaman District.

19. Mr. M. Rama Rao, working as Tally Clerk, Port Management Board, Port Blair, resident of Haddo, Port Blair, South Andaman District.

20. Mr. V. Manoharan, working as Wharf Superintendent, Port Management Board, Port Blair, resident of Chakargaondo, Port Blair, South Andaman District.

21. Mr. Vinay Lall, working as Tally Clerk, Port Management Board, Port Blair, resident of Junglighat, Port Blair, South Andaman District.

22. Mr. R. Krishna Rao, working as Tally Clerk, Port Management Board, Port Blair, resident of Haddo, Port Blair, South Andaman District.

.....**Applicant**

-Versus-

1.. Union of India, Service through the Secretary, Govt. of India, Ministry of Shipping Transport Bhawan, Sansad Marg, New Delhi, 110001.

2. Union of India, service through Secretary, Ministry of Personnel and Public Grievances, Department of Personnel Training, New Delhi-110001.

3. The Lieutenant Governor, Andaman & Nicobar Islands, Raj Niwas, Port Blair-744101.

People

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4. The Chief Secretary/ Chairman, Port Management Board, Andaman & Nicobar Administration, Secretariat Building, Port Blair-744101.

5. The Chief Port Administrator, Port Management Board Andaman and Nicobar Islands, Port Blair-744101

.....**Respondents.**

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
(CIRCUIT AT PORT BLAIR)**

No. O.A. 351/00026/AN/2016

Date of order: 06.06.2019

**Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. N. Neihsial, Administrative Member**

1. Mr. T.J. Kuriakose and 18 ors.

... Applicant

-Versus-

1. The Union of India, through the Secretary & Ors.

... Respondents

For the Applicant : Mr. R. Singh

For the Respondents : Ms. A. Nag

O R D E R (ORAL)

Per Ms. Bidisha Banerjee, Member (J):

Heard learned counsel for the parties.

2. The applicants are particularly aggrieved with the reduction of Night Duty Allowance which was earlier granted to them on revised pay in terms of the order passed by the CAT, Bombay Bench in O.A. No. 2017/2014.

3. The respondents have categorically pointed out that no order is issued by the Ministry other than one Office Memorandum No. 12012/4/86-Estt (Allowances) dated 04.10.1989 issued by Department of Personnel & Training which says that the ceiling of pay for entitlement of Nigh Duty

Allowance shall be Rs. 2200/- per month as maximum. Night Duty Allowances that was granted on higher rate was modified and reduced.

4. Learned counsel for the applicant submitted that subsequent orders were issued by the appropriate authorities on the basis of which the respondents started granting Night Duty Allowances on revised rates which they have not brought on record.

5. Vehemently opposing the contention, learned counsel for the respondents would draw our attention to the order No. 2175 dated 14/15.09.2015 issued in the matter which says as under:-

"Whereas the under Secretary to the Govt. of India, Ministry of Personnel, PG & Pensions (Dept. Of Personnel & Training), New Delhi, vide his letter bearing No. 15016/1/2000-Estt (Allowances) dated 6th September, 2001 addressed to the Assistant Secretary (Civil Supplies), A & N Administration has recommended status quo with regard to payment of Night Duty Allowance/Weightage for night duty, it continues to be payable based on pre-revised notional pay of Rs. 2200/-. No fresh orders have been issued on the subject."

6. However, learned counsel for the respondents is fair enough seek a direction upon the respondents so that appropriate orders can be issued in favour of employees of A & N Administration towards grant of Night Duty Allowance on par with identical employees of Bombay Bench (supra) order.

7. In view of the above, O.A. is disposed of with the direction upon the respondents, more particularly respondent No. 2, to consider the

grievance of the applicants in the light of the decision of Bombay Bench (supra) and issue appropriate order by revising their Night Duty Allowance from the date and on par with employees of Bombay Bench (Covered by the decision of Co-ordinate Bench of CAT, Bombay Bench in O.A. No. 2017/2014 dated 17.01.2014) within a period of three months from the date of receipt of a copy of this order.

8. A reasoned and speaking order be issued within the said period.
9. The O.A. accordingly stands disposed of. No costs.

(N. Neihsial)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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