

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. Nos. 4-6 In
Civil Appeal Nos. 8255-8257/2009
LT.GOVERNER & ORS.

Appellant(s)

VERSUS

SHAJAN T.OOMAN & ORS.

Respondent(s)

(For directions and office report)

Date : 05/08/2016 These applications were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. Mukul Rohatgi, A.G.

Mr. Balasubramanian, Adv.

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, Adv.

For Respondent(s) Mr. Chanchal Kumar Ganguli, Adv.

rrs. 3 & 4 Mr. Auchinto Banerjee, Adv.

Ms. Narmada, Adv.

rr.1: Mr.Rakesh Dwivedi, Sr. Adv.

Mr. Gaurav Jain, Adv.

Ms. Abha Jain, Adv.

Mr. Jaivir Singh, Adv.

Mr. N.K. Jain, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Respondent No. 1-Shajan T. Ooman was last
working as Executive Engineer, Zila Parishad, South
Andaman. However, at the moment, the said post is
occupied by another person and respondent No. 1 is

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not in charge of any post.

The learned Attorney General pointed out that
though respondent No. 1 is discharged from two
criminal cases, one criminal case under the
Prevention of Corruption Act is pending against him.

In this regard, the learned Attorney General referred
to letter dated 07.12.2015 by the C.B.I. requesting
the Secretary (Law), Andaman & Nicobar Administration
to post respondent No. 1 to non sensitive post
pending anti corruption proceedings being
investigated by the C.B.I. It was, therefore,
submitted on behalf of the Administration that the
respondent be posted to another post in the
Administration.

The other equivalent post in the Zila Parishad
North, Andaman is occupied by another person. The
respondent cannot therefore be posted there. It is
possible, however, that the said respondent be posted
on equivalent post in the Andaman Administration.

Shri Rakesh Dwivedi, learned senior counsel
appearing on behalf of the said respondent submits
that the respondent has been absorbed in the Zila
Parishad long ago and there is no challenge to the

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said order of absorption. Therefore, it would not be
proper to post the respondent in the Administration.

We, however, in the circumstances of the case, feel
that it would be proper to post respondent No. 1 to a
post in the Andaman Administration, particularly,
since there is no post available in either of the
Zila Parishads. Undoubtedly, the respondent's right
to contest and assert that he belongs to the Zila

Parishad cadre must be preserved.

In the circumstances, in modification of order dated 20.04.2009, by which this Court ordered status quo as to his posting, we direct that respondent No. 1 be posted to any equivalent post in the Administration and his condition of service and pay-scales shall be protected.

This posting shall be without prejudice to the rights and contentions of respondent No. 1 in the pending litigation.

I.A. Nos. 4-6 are disposed of.

List the appeal in the month of January, 2017.

[Charanjeet Kaur]

[Indu Pokhriyal]

A.R.-cum-P.S.

Court Master